

Workplace Attendance Policy and Procedure

To be reviewed Annually.

Policy reviewed March 2018. To be reviewed March 2019.



Attendance Policy and Procedure

Attendance Policy

1. Principles

- 1.1 This Attendance Policy sets out Everton Nursery School and Family Centre's approach to supporting and managing attendance in the workplace.
- 1.2 Attendance at work from employees is essential to the successful running of the school and support for children.
- 1.3 However it is recognised that from time to time employees may be prevented from attending work through ill-health. The Sick Pay Schemes provide for this. These are not entitlements but a condition of service for each employee.
- 1.4 All staff should be aware that any abuse of the Sick Pay Scheme or Attendance Policy and/or Procedure or deliberate falsification of any form of documentation will be investigated and could result in disciplinary action, where warranted.
- 1.5 Any requests from relevant employees to record and replace sickness absence with annual leave will not be approved as this will prevent accurate records being kept and may result in managers not suitably fulfilling their duty of care to employees.

2. The Equality Act 2010

- 2.1 When managing sickness absence, employers must bear in mind the provisions of the Equality Act 2010. This act makes it unlawful to discriminate against workers because of a mental or physical disability, or to fail to make reasonable adjustments to accommodate a worker with a disability.
- 2.2 For the purposes of the Act, a person has a disability if he or she has a "physical or mental impairment which has a substantial and long term adverse effect on her/his ability to carry out normal day to day activities."

The definition breaks down into four parts:

- The person must have a physical or mental impairment
- The impairment must have adverse effects which are substantial
- The substantial effects must be long term
- The long-term substantial effects must have an adverse effect on normal day-to-day activities

The effect of an impairment is long term if it has lasted, or is likely to last, at least 12 months.

- 2.3 An employee has an implied responsibility to disclose their disability in order that the school can make any reasonable adjustments.
- 2.4 Under the Act, an employer is required to make 'reasonable adjustments' to ensure that workplace requirements or practices do not disadvantage employees or potential employees with a disability. Reasonable adjustments should be made with the employee's involvement.

3. Scope

- 3.1 This Policy applies to all staff employed under the Governing Body of the School.
- 3.2 The Attendance Policy is based upon fairness, equity and the need to manage levels of sickness.
- 3.3 The Policy is based upon support and actions to deal with all forms of sickness absence.
- 3.4 The Headteacher or governors dealing with any aspect of this policy or procedure may, where appropriate, be supported by the school's HR provider who can advise on procedure.

4. Triggers

- 4.1 Short Term and / or Repeated Absence
 - 4.1.2 Trigger levels have been established to enable the school to manage absence fairly and equitably and to ensure employees understand the levels of absence which will lead to management under this policy.
 - 4.1.3 Trigger Levels
 - Four separate periods of sickness absence within any rolling 12 months' period.
 - A total of ten working days (pro rata for part-time employees) within any rolling 12 months' period.

These triggers should only be used to flag up possible concerns. An initial conversation with the employee should ensue as part of the return to work discussions and should refer to

Section 5. Managing Sickness Absence, particularly 5.1 and 5.2 and may not lead to any further action.

4.1.4 Headteacher may trigger the Short Term / Repeated Absence procedure outside of these triggers when there are clear reasons to do so (for example, where patterns of absence are a cause for concern).

4.1.5 Headteacher however must on all occasions apply these triggers if reached to ensure staff are supportively managed when periods of ill health impede their ability to attend work appropriately.

4.2 Long Term Absence

Absences exceeding **28 calendar days** are generally considered to be long term absences.

5. Monitoring Sickness Absence

5.1 All sickness absence will be recorded accurately. Headteacher reports regularly to Governors on sickness absences.

5.2 Headteacher and Leadership Team are required to monitor sickness absence levels regularly within their teams and ensure employees with health concerns are appropriately supported and managed.

Attendance Procedure

1. The Purpose of the Attendance Procedure

The Attendance Procedure is designed to:

- Set out the rights and responsibilities of employees in relation to attendance in the work place.
- Set out the responsibilities and duty of care of the school in relation to managing and monitoring sickness absence.
- Set out the notification arrangements for employees who are absent from work due to sickness.
- Set out the contact and return to work arrangements for employees and managers.
- Set out the role of Occupational Health.
- Set out the responsibilities of Headteacher/Leadership Team and staff/employees in relation to referrals to Occupational Health for employee assessment to obtain professional medical advice.
- Detail the different stages of the Attendance Procedure.

The Headteacher and/or governor panel of Everton Nursery School and Family Centre involved in any part of this procedure may, where appropriate, be supported by the school's HR provider.

2. Responsibilities of Employees and the School in Managing Sickness Absence

2.1 Responsibilities of Employees

- a) It is the responsibility of the employee to attend their work place.
- b) It is the responsibility of the employee to take reasonable care for the health and safety of themselves (and of others who may be affected by their acts or omissions at work).
- c) To ensure school is made aware of any changes to personal contact and emergency contact details so that records can be kept fully updated.
- d) To inform their designated line manager if any form of ill-health begins to impact upon their ability to perform the duties of the role they are assigned to do.
- e) To comply with the school's absence notification process.
- f) To maintain regular contact with their designated line manager whilst absent due to any form of sickness. This should be by phone, unless another appropriate means of communication is agreed. All contact should be made by the individual employee

and not via a third party unless there are exceptional circumstances. The School has an equal duty to maintain contact and this is set out at 2.2(c).

- g) To provide appropriate Self-certification Statements or a Doctor's Medical Certificate or any other requested documentation following any period of sickness absence.
- h) Not to abuse or falsify any claims relating to sickness. Any cases of suspected abuse or falsification will be investigated under the School's Disciplinary Policy.
- i) To attend any meetings, hearings or appointments arranged under this policy as requested by the Headteacher. It is a reasonable requirement for employees to attend such meetings or hearings. Any unreasonable refusal could result in disciplinary action being taken.

2.2 Responsibilities of the School/Centre

- a) To promote and support a culture of good attendance throughout the organisation.
- b) To ensure a duty of care for all employees and to promote the health, safety and well-being of all employees. Including the use of risk assessments to identify and manage any potential hazards.
- c) To maintain regular contact with employees who are absent due to sickness. Employees also have a duty to maintain contact and this is set out at 2.1(f).
- d) To comply with, and instigate, all procedures for managing sickness absence without exception.
- e) To monitor levels of sickness absence and take appropriate action on all occasions.
- f) To arrange all meetings in good time and communicate arrangements clearly with the employee. The notice period provided for any meeting (except Return to Work meetings) will be a minimum of 5 working days, unless a shorter period is agreed by all parties. This however, does not include attendance at occupational health medicals as the notice period could be shorter than 5 working days.

3. Maintaining Contact during periods of Sickness Absence

- 3.1 Employees **must** notify their designated line manager (or other named contact officer) that they are unable to attend work with as much notice as possible but at least before the time they are due to start work on that day. Any absence from work due to

sickness must be recorded as sickness absence. Requests for annual leave will not be allowed during this period. Any request for leave of absence (ie. leave for reasons other than sickness) must be made appropriately and does not form part of this procedure.

- 3.2 The school/centre should share with all staff its 'Absence Notification Procedure' outlining the steps to take to report sickness absence. This procedure should be followed for all periods of sickness absence [an exemplar is included at Appendix 1].
- 3.3 If an absent employee fails to make contact with the school/centre on the first day of absence the school/centre will take reasonable steps to make contact with the employee on that day.
- 3.4 It is the responsibility of both the employee and the school/centre to maintain regular contact when an employee is absent from work due to any form of sickness.
- 3.5 The school/centre must maintain regular contact with absent employees. Under normal circumstances this should be on a weekly or fortnightly basis unless a different arrangement has been agreed with the employee or there is a recognised recovery period in which case contact can be made less frequently. **Employees may not refuse this contact.** Occupational Health can advise on recognised recovery periods.

First Day of Absence

- 3.6 Whilst the designated line manager will advise all employees of the notification requirements it is the responsibility of the employee to follow this procedure.
- 3.7 Failure to notify the manager (or nominated contact) of any periods of absence may lead to the absence from work being considered unauthorised. This may result in the loss of pay and, where warranted, possible disciplinary action under the School's/Centre's Disciplinary Policy.
- 3.8 It is important that the designated line manager has as much information pertaining to an employee's illness as possible to ensure they offer appropriate support and management. If possible, employees should provide the following details on each occasion of absence:
:
 - That the absence is due to sickness.
 - The anticipated length of the absence period (if known).
 - Any work commitments or arrangements that may need progressing.
 - Whether the reason for the absence is work related and if so, how?

In addition, the next date for contact may be agreed.

- 3.9 It should be noted that the school/centre will offer relevant support and management based on the information available at the time.

- 3.10 Line Managers (or relevant contact) will document the information provided by the employee and ensure that any reasonable measures to effectively cover the employee's absence are put into place.

Fourth Day of Absence

- 3.11 Unless an alternative contact date has already been agreed, on the fourth day of absence, all employees are required to make further contact with their designated manager (or nominated contact),

After Five Working Days of Absence

- 3.12 If the absence is likely to extend beyond five working days an appropriate Doctor's note must be provided to the designated manager as soon as possible after the 5th day.
- 3.13 Failure to provide an appropriate Doctor's note to your designated manager may result in pay being withheld. The manager will record the information and retain the certificate for their records.

4. Assisting Employees to Return to Work

It is an important part of the employer's duty of care to support an employee to return to work, particularly following a long term sickness absence, or where the absence has been as a result of work related stress, where the employee may feel apprehensive about returning to work.

Regular contact from the designated line manager will assist an employee (during their absence) and avoid feelings of isolation. Line Managers should encourage the employee to come into the workplace during any recovery period for informal discussions to ensure that they feel a valued part of a team.

4.1 Phased Return to Work/Amended Duties

- 4.1.1 Where the employee's doctor or Occupational Health make a recommendation in relation to adjustments that could facilitate a return to work, including a phased return or amended duties, the manager will consider these. It remains a decision for the manager as to whether such recommendations can be reasonably accommodated.
- 4.1.2 A phased return to work/amended duties may be appropriate to ensure that the employee does not undertake too much too soon after a period of a long absence which would be detrimental to their recovery.

- 4.1.3 A phased return/amended duties may also be recommended medically where the employee is not sufficiently recovered to be able to immediately undertake the full hours or duties of the post.
- 4.1.4 The terms of any phased return or amended duties should be negotiated with the employee prior to its commencement and should take into consideration any medical advice obtained.
- 4.1.5 The terms of any phased return should be discussed at a meeting with the employee prior to their return to work and confirmed in writing.
- 4.1.6 The phased return/amended duties should be closely monitored and be for no more than four weeks except in exceptional circumstances.

4.2 Return to Work Meetings

- 4.2.1 The return to work meeting is considered to be the most effective tool for managing sickness absence. It provides the opportunity for Line Managers and employees to discuss the absence and establish whether there are any underlying causes which may be affecting the employee's attendance at work.
- 4.2.2 These meetings should be conducted in a supportive way. Where appropriate, the manager should seek to establish what support or measures could be made to assist the employee to maintain his or her attendance at work.
- 4.2.3 A return to work meeting should take place in a suitable room to maintain confidentiality.
- 4.2.4 Return to work meetings should take place on the first day of return and every effort should be made to accommodate this. However, if not practicable on the first day, a return to work meeting should be held as soon as possible following every period of absence.
- 4.2.5 A record will be kept of the discussion and shared with all parties.

4.3 Referral to the Occupational Health Services

- 4.3.1 The School may, at any time, request an employee to be referred and examined by a medical practitioner through a referral to the School's occupational health service provider.
- 4.3.2 The timing of any referral will depend upon the nature of the illness. However, a referral should be made after four weeks of absence. if appropriate. In some circumstances it may be appropriate to refer earlier than four weeks and this is at the discretion of the manager.

- 4.3.3 An employee will be notified by the manager in writing when a referral is to be made.
- 4.3.4 Where an employee submits an appropriate doctor's note stating that they are suffering from any forms of stress, anxiety, depression or a similar condition (work related or not) a referral should be made immediately.
- 4.3.5 Where the employee is absent due to an industrial injury or other work related condition a referral should be made immediately.
- 4.3.6 A referral should be made where it is considered that a medical condition or illness may be impacting upon the employee's ability to perform their role.
- 4.3.7 A copy of the occupational health report will be provided to the Referring Manager and the employee who has been referred. Permission will be sought from the employee to release the medical report and they have the right to review the report before it is released.
- 4.3.8 Any occupational health appointment should be made allowing sufficient notice for the employee to make the necessary arrangements to attend. Unreasonable refusal to attend a scheduled occupational health appointment may result in disciplinary action and may result in loss of pay. In addition, non-attendance **will** result in the employee being invoiced for any costs incurred by school/centre.

5. Managing Sickness Absence

- 5.1 There are many methods of managing sickness absence. The most effective methods include:
- The provision of support and/or counselling.
 - Ongoing monitoring of sickness absence.
 - Referrals to specialist support services.
 - Maintaining contact with employees.
 - Conducting return to work meetings following every period of absence.
- 5.2 Each absence case should be considered on an individual basis, taking into account:
- The nature of the employee's illness or condition.
 - The frequency and pattern of absence.
 - Any underlying reason(s) for absence.
 - The employee's overall absence record.
 - The operational needs of the service.
 - The impact of the absence on other colleagues
- 5.3 Where an employee is unable to attend a meeting or hearing relating to their sickness absence then that meeting or hearing may proceed. In the case of a Hearing, a decision will be made on the basis of evidence available.

6. Short Term / Repeated Absences Procedure

- 6.1 When managing sickness Line Managers are reminded to pay due heed to the provisions of the Equality Act 2010 in that it is unlawful to discriminate on the grounds of disability. Line Managers have a duty to engage appropriately with all employees and to treat all staff equitably.
- 6.2 In all circumstances a Line Manager will maintain adequate contact with and offer appropriate support to an individual who is absent from work due to ill health. This must include, where appropriate, advising employees to seek support on relevant pension matters.
- 6.3 When an employee has hit a trigger point or where patterns of absence cause concern, the designated manager will take the following action, taking into account the particular circumstances of each individual case as detailed in 5.2.
- 6.4 The employee may be invited (in writing or by email) to a formal meeting with the designated manager without unreasonable delay. The invitation will state the reason for the meeting, outline the absence record to date and the right of the employee to be accompanied by a work colleague, a trade union representative or an official employed by a trade union. No third party representatives will be allowed.
- 6.5 At this meeting the following should be discussed:-
- the details of the employee's absence record and that the level of absence is unsatisfactory and a cause for concern,
 - the reason(s) for absence and any patterns of absence that have emerged.
 - whether there are any underlying causes for the absences.
 - the action points to be agreed including areas of assistance and support;
 - details of the improvements required over the review period
- The emphasis should be on counselling and support.
- 6.6 The employee will be given the opportunity to respond to the concerns raised. Where it is likely that the employee is covered under the Equality Act 2010, any reasonable adjustments should be discussed and considered.
- 6.7 The improvements required will depend on the circumstances of the individual case and any absence history will be taken in to account, along with any representations made by the individual.
- 6.8 A Review Period will be set and will be effective from the date it is issued. A review period should be no more than 3 working months. The outcome of the meeting will be provided to the employee in writing (or by email).

- 6.9 Monitoring of sickness absence will be continuous during the Review Period set at stage one. If the agreed improvements are not met during this Period, a referral to Occupational Health may be made to ascertain whether there are any medical reasons or underlying causes for the unacceptable levels of absence that have not previously been made known or considered.
- 6.10 The employee will be notified that a referral has been made.
- 6.11 The employee should be invited in writing (or by email), without unreasonable delay, to a formal meeting to discuss the content of any occupational health report and be provided with the right to be accompanied by a fellow worker, trade union representative or an official employed by a trade union. No third party representatives will be allowed.
- 6.12 Where there are no medical reasons or underlying causes for the unacceptable levels of absence that have not previously been made known or considered, the employee should be informed that the case will be referred to an Attendance Hearing.
- 6.13 Where an occupational health report suggests possible medical reasons (or underlying causes) for the level of absence that have not been previously considered, these should be discussed at the meeting and appropriate reasonable adjustments put in place, where practicable, to reduce the level of absence before deciding whether to refer the case to an Attendance Hearing. The attendance will continue to be monitored during an extended Review Period and a formal meeting held at the end to determine whether or not the attendance levels have been attained. Consideration will be given as to whether the case should be referred to an Attendance Hearing.
- 6.14 If the employee sustains an acceptable level of attendance during any review period under this stage no further action will be taken at that time. This should be confirmed to the employee in writing (or by email). The employee should be made aware what level of attendance will be acceptable during the following 6 months. Should their attendance fall below this level at any point during the 6 month period then consideration will be given to progress the matter straight to an Attendance Hearing to consider continued employment.

7. Long Term Absence Procedure

- 7.1 An absence exceeding 28 calendar days is generally considered to be a long term absence.
- 7.2 Regular contact must be made with the employee so that the employee does not feel isolated, out of touch or left to continue on long term absence without contact.

7.3 Contact should be made on a weekly basis unless agreed otherwise. However, as a guide, fortnightly should be viewed as a minimum level of contact.

Long Term Sickness Absence

7.4 Where a period of absence is likely to be long term then the designated manager (or nominated representative in exceptional circumstances) must maintain contact with the employee. This can include a welfare meeting to enquire as to their well-being and keep them informed of school matters. Depending on the circumstances, the welfare meeting can be held at the employee's home, at the school to encourage the employee to visit the site, or at a neutral venue.

7.5 The individual should be referred to the School's/Centre's Occupational Health provider in line with Section 4.3.

Sickness Absence Review Meetings

7.6 Following receipt of a report from Occupational Health the designated manager will arrange a sickness absence review meeting with the employee.

7.6.1 The employee will be invited (in writing or by email) to the meeting without unreasonable delay. The invitation will state the reason for the meeting, outline the sickness absence record to date and inform the employee of the right to be accompanied by a work colleague or a trade union representative. No third party representatives will be allowed.

7.6.2 The purpose of the meeting is to:

- Discuss the employee's progress.
- Discuss the occupational health report including recommendations and any review periods.
- Identify any areas for support.
- Consider and review any possible short term or longer term adjustments or actions that could be made to facilitate a return to work.
- Where the employee's condition or illness is considered to fall within the definition of disability under the Equality Act 2010 reasonable adjustments will be discussed with the employee.
- Discuss a likely return to work date (if known).
- Advise that continued absence may put their employment at risk or, given their absence history and current situation, that the case will be referred to an Attendance Hearing.
- Consider if Ill-health retirement is an option for the employee due to permanent ill health.

At the meeting, as part of the support offered to employees, it may be appropriate to update the individual on any relevant developments in the work place.

- 7.6.3 The employee will be provided with the outcome of the meeting in writing (or by email) including details of any actions and / or desired outcomes, including details of any review period or confirmation that the matter has been referred to an Attendance Hearing.
- 7.6.4 Subsequent meetings may be arranged with the employee as appropriate, including further referrals to Occupational Health. It is expected that employees will attend such meetings and appointments.

Referral to Attendance Hearing

- 7.7 The line manager / Head teacher will consider the individual circumstances relating to each particular case to determine when it is appropriate to refer a case to an Attendance Hearing to consider the employee's continuing employment with the School.

8. Attendance Hearing

- 8.1 The Final Stage of the Attendance Procedure is referral to the Attendance Hearing.
- 8.2 The purpose of the Attendance Hearing is to decide upon a course of action up to and including dismissal.
- 8.3 In the situation where the Governing Body of a school/centre has delegated authority to the head teacher he or she, where he or she has not been previously involved, may chair the Attendance Hearing and decide the appropriate course of action.
- 8.4 Where the headteacher has been previously involved or the authority to give appropriate consideration has not been delegated, any Attendance Hearing should be made up of a panel consisting of not less than three governors. However, where this is not possible the Attendance Hearing may comprise two governors with agreement by all parties who will have delegated authority to determine an appropriate outcome.
- 8.5 For any meeting convened to consider the dismissal of an employee in a community or voluntary controlled school under these procedures, the Director of the appropriate department within the Local Authority, or their nominee, is entitled to attend. In the case of voluntary aided or foundation schools, with full delegation, this will apply where advisory rights have been accorded to the Director. Where advisory rights have been accorded to the Diocese or Arch Diocese, a diocesan or arch-diocesan officer may be invited to attend.
- 8.6 The employee will be instructed to attend an Attendance Hearing and will be given a minimum of five working days' notice. If the employee is not available a delay of no more than five working days will be allowed in which to arrange another meeting which must then happen within a reasonable period of time, usually within ten working days.

8.7 Failure to attend will result in the Attendance Hearing continuing in their absence.

8.8 The letter of instruction to attend will:

- Contain details of the periods of sickness absence which are to be considered.
- Inform the employee that a possible outcome of the hearing could be dismissal
- Inform the employee that they are entitled to be accompanied at the hearing by a fellow worker or a trade union representative No third party representatives are allowed.

8.7 The outcome of the Attendance Hearing will be notified to the employee, in writing, ideally within five working days.

8.8 In the event of dismissal the employee will have a formal right of appeal.

9. Right of Appeal

9.1 Any appeal must be submitted in writing or by email to the Chair of the Attendance Hearing within five working days of receiving written (or email) notification of the outcome of an Attendance Hearing. The written appeal must detail, concisely, the grounds for any appeal.

9.2 All appeals will be heard by a panel of governors who have not previously been involved in the case.

9.3 Appeals will be heard, normally, within 20 working days of receipt of the written appeal. Where this is not possible the Employee will be advised of this in writing or by email.

9.4 The Appeal will be by way of a review, only, of the issues raised in the written appeal. The governors hearing the appeal will consider whether the original decision was reasonable, taking account of any new information not available at the time of the original decision.

9.5 The original decision may be set aside (ie. Overturned) or not.

9.6 The employee will be notified in writing of the outcome of the Appeal within five working days of the appeal being heard.

9.7 There is no further internal right of appeal against a decision of the Appeals' Panel.

9.8 In the event of an appeal being upheld and the person being reinstated, pay will be appropriately backdated.

Policy reviewed March 2018 and agreed by the Governing Body in May 2018.

Appendix 1

Everton Nursery School and Family Centre

Sickness Absence Notification Procedures

The following is a summary of actions to be taken by all staff and the School/Centre, in **all cases** of sickness absence. Further information and guidance is contained in the school's adopted Attendance Policy and Procedure.

Notification of Sickness Absence

It is imperative to ensure the smooth running of the school, that you inform the office/foyer **as soon as possible** of any absence, in order to make the necessary operational changes to ensure minimal disruption for the children and their class/room.

You should telephone the School Office **no later than 8.10am on the first day of absence and speak to a member of staff.**

(0151 233 1969).

You should not ask someone else to call in to report your absence on your behalf unless in exceptional circumstances, nor ask someone to pass on a message.

(Depending upon the circumstances, you may be in a position to alert the School/Centre the day before).

Where possible, the following information should be provided to school/centre during the telephone call:

- That the absence is due to sickness.
- The anticipated length of the absence period
- Any work commitments or arrangements that may need progressing in your absence.
- Whether the reason for the absence is work related and if so, how?

It should be noted that the school/centre will offer relevant support and management based on the information available.

If you ring in and you are unsure of how long you are going to be off, then you will need to ring in on every subsequent day to update school on the situation until you are either fit to return or you have submitted a medical certificate to cover your absence.

After five working days absence due to sickness, you must provide the school with a medical certificate (known as a FIT note) from your GP to certify your absence.

You will need to maintain regular contact with the school (no less than fortnightly). This must be by phone or other appropriate means that has been agreed with the Headteacher or designated manger.

All contact should be made by you and not by a third party unless there are exceptional circumstances in which case this should be clarified with the Headteacher or designated manager.

Failure to follow these notification procedures could result in an individual's absence being considered unauthorised and could be subject to disciplinary procedures.

Return to work

You are requested to advise of your intention to return to work as soon as possible so cover arrangements can be managed accordingly.

When you return to work you must ensure that you complete the relevant forms obtained from the office.

A return to work interview will take place as soon as practical on your return to ensure your fitness to be in work and put any support in place. In the case of longer term absence, this may involve a conversation to update you on school matters.

If a staff absence is the result of an accident or injury sustained at work, this information must be made known and details of whom the incident was reported to should be noted.

Leave of Absence

The school/centre recognises that staff will occasionally be absent from work for a variety of exceptional reasons. The school/centre refers to 'Leave of Absence Guidance Note' for management of such absences.

All leave of absence requests should be made in writing to the Headteacher/Head of Centre on a Leave of Absence Request Form which can be obtained from the School/Centre Foyer.

Medical Appointments

Medical appointments should, whenever possible, be arranged outside of working hours– or with minimum impact on the school/centre day.

Appointment letters / cards should be provided with as much notice as possible (See 'Leave of Absence Guidance Note' for more information).