

# Attendance Policy



## **Managing Attendance and Staff Absence**

### **INTRODUCTION**

Good attendance enhances the service by schools, minimises staffing difficulties and ensures best value to the school. The Governors of Acorns Primary School

School readily acknowledge that staff do already ensure that time taken for illness is always kept to a minimum and all employees ensure that during any such absence they do not undertake any activity which is incompatible with the illness or which may delay recovery.

The Governors also acknowledge the potential link between children attending school when they are unfit and staff illness. Emphasis is also placed on the welfare of staff to ensure that patterns of illness are not missed that could be early indications of developing into more serious situations.

This policy is intended to create an understanding amongst all employees at the school of the importance of good attendance to the operation, performance and image of the school and by the application of procedures which can be seen to be fair, consistent and open. This policy has been drawn up from within a framework which the Trade Unions / Professional Associations have been encouraged to participate.

### **APPOINTMENT PROCESS**

When staff are appointed, School Governors will wish to be aware of previous attendance history. Information will be obtained in a fair and open way through.

- **References**

They will ask about

1. How the candidate feels about their general attendance
2. Request details of absence for reasons outside employee's control (e.g. Road accident). In considering this information regard will be made to particular difficulties when considering applications from disabled persons in the light of the employer's responsibilities under the disability Discrimination Act.
3. Ask for details of any "Live" disciplinary warnings for punctuality or absence.

A copy of this policy will be made available to all existing employees and new appointments to posts at school. All applicants will be informed of the school policy statement on attendance.

- **Interview**

Ask specific questions during interview on the reasons for absence. Refer to the school commitment to achieving good attendance records.

## INDUCTION

During the induction period reinforce good attendance as a positive aim of the school together with advice on the correct procedure to follow if employees are unable to attend work and the consequences if that procedure is not adhered to.

For non teaching employees subject to a probationary period, prior to confirmation of appointment, carefully review any periods of absence (extending the probationary period where necessary) or, in extreme cases, take steps not to confirm the appointment.

## NOMINATED PERSON

The Deputy Head teacher will be the Nominated Person for the purpose of this policy. As the Nominated Person the Deputy Head teacher will need to be sensitive to accessing the confidential attendance and sickness records of all staff. The Nominated Person will carry out the following functions for all employees for whom they have responsibility:-

- Be aware of the absence record of each employee.
- Be the contact point for monitoring / notification procedure.
- Ensure that employees are aware of and comply to the absence reporting arrangements.
- Conduct return to work discussions with employees in respect of all absences.
- Seek to assist employees in need of support.
- Refer to the head teacher cases which are a potential cause for concern in accordance with “Trigger points” adopted by Acorns School.

## TRIGGER POINTS

Acorns Primary School has accepted the following conditions for “Trigger Points” and are in line with current County Council practice.

- Per Annum

**10 days absence and / or 4 periods of absence in a rolling period of 12 months.**

Accurate records and meaningful, statistical information are vital to the process of managing attendance. The Nominated Person should be able to answer the following questions:-

- How much absence exists in Acorns School.
- What form does it take? – patterns of absence / reasons for absence.

The Governors will receive regular reports on levels of sickness absence within school.

## ABSENCE OF THE HEADTEACHER

The Deputy Head teacher will be the Nominated Person in respect of the Head teacher and together with the Schools Personnel Team will monitor periods of absence. Where there

concern it will be referred to the Senior Area Personnel Officer who will liaise with the Chair of governors regarding further action to be pursued under these guidelines.

## **NOTIFICATION PROCEDURES( Included in staff handbook )**

### **1<sup>ST</sup> working Day**

- Employees must contact the nominated person / the School by 8.00 am at the latest to enable alternative staffing arrangements to be put in place. Please do not rely on answer-phone messages.
- Employees must give brief details of reasons for absence / date absence began / likely duration / whether related to an accident or injury at work.

#### **After 3 days**

- If absence is continuing employees must make further contact with the Nominated Person regarding absence giving, if possible an indication of likely return date.
- NOTE for all absences beyond three days including weekends employee must complete a Self Certification Form upon return to work.

#### **After 7 calendar days**

(Including Weekends)

- Doctors statement must be forwarded to Nominated Person prior to forwarding to School office.

#### **Longer term absence**

- During periods of long terms absence, employees have a responsibility to keep school informed of progress through the Nominated Person. The school should maintain contact and, if necessary visit the employee. Care will be taken not to pressurise or harass the employee, bearing in mind the nature of the illness.

## **RETURN TO WORK DISCUSSION**

The purpose of the return to work discussion is to confirm the reason for the absence, ensure consistent procedure, and to raise awareness to the fact that most employees are absent for reasons beyond their control. The discussion will be supportive and informal, in other instances it is an opportunity to point out the frequency / pattern of absence which may be leading to concern.

Following a period of sickness, employees must either before the start of the school day or at lunchtime or at the end of the day report to the Nominated Person who will:-

- Be aware of the sickness record of the employee an example of a monitoring form will be found in appendix 1.
- Discuss the reason for absence.
- Seek to establish underlying problems establish if the employee is seeking help elsewhere.
- Be sensitive to the reasons for absence and be in a position to offer support / advice / practical assistance – this may require referral to others sources e.g. Employee Welfare and Counselling service / Trade Union / Teacher Association.

- Ensure the employee is fit enough to return to work to full duties. If there is any cause for concern the Nominated Person will refer the matter to the Head teacher.
- Brief the employee on any current work issues.

In the case of absence the Head teacher there will, where necessary, be liaison between the Assistant Head teacher and the Schools personnel Team and the Chair of governors regarding the absence.

## HEAD TEACHER DISCUSSION

Where appropriate the member of staff will be referred to the Head teacher because the amount / frequency of absence exceeds the trigger points and is causing concern The Head teacher will arrange a meeting with the employee, who may be accompanied by a representative of their choice, at which they will be :-

- Informed of the level of frequency of absence and the effects (were appropriate) on the operation of the school and other employees.
- Given an opportunity to explain the absence and to identify reasons where appropriate constructive help will be offered in particular the employee welfare service.
- Where appropriate be made aware that their absence level is unacceptable: that improvement is necessary and that continued unacceptable absence will lead to formal warnings and possible dismissal. A date will be set for review within 12 weeks.
- The outcomes of the discussion will be set out in writing, to the employee to ensure clarity.
- The position will be monitored and reviewed at set date.
- Where there is cause for concern & no satisfactory improvement is achieved, the matter should proceed to the formal procedure at stage 1

Absence levels / patterns giving cause for concern will usually fall into 3 categories:-

- Repeated short term absence.
- Long term absence due to permanent incapacity.
- Longer term absence where condition is not of a permanent nature.

In circumstances where there are reasonable grounds to believe that the employee is abusing the sickness absence scheme, normal disciplinary procedures will be applied.

Examples of such circumstances include:

- Failure to follow the sickness notification arrangements without good reason.
- Failure to provide medical certificates when required to do so
- Falsification of self- certification or medical certificates.
- Undertaking other employment or engaging in any activity incompatible with the illness or which may delay recovery or aggravate the illness.

## REPEATED SHORT TERM ABSENCE MODEL PORCEDURE

### Introduction

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Repeated short term absence may arise from a health problem, domestic or work related difficulties of may be unjustified. Each case will be considered on an individual basis having regard to:-

- The nature of the illness or disability;
- Frequency an pattern of absence;
- Overall absence record;
- Operational needs of the school;
- Impact of the absence on other employees.

Where necessary, professional help should be sought to deal with specific problems. The overriding concern is the extent to which the absence, attributable to illness, is affecting the operation of the school. It is inevitable, therefore that this procedure will be applied to employees with genuine health problems and the various steps as set out should be handled sympathetically/

If it becomes clear, at any stage in the application of this procedure, that permanent incapacity to carry out the appointed duties on ill health grounds is the underlying issue then these guidelines will be suspended, independent medical advice sought and the normal Long Term Sickness procedures followed. Similarly, and employee, whilst not permanently incapacitated may be absent due to a specific condition ( e.g. hysterectomy, broken leg) which may result in a lengthy absence, but which is obviously finite and where the application of the formal stages of this procedure is not appropriate. The purpose of this procedure is to provide a framework within which managers are able to exercise discretion according to the particular circumstances of the absence.

It must be recognised that the final outcome of a process for dealing with repeated short term absence may, in some circumstances, be dismissal. Whilst warnings or cautions may, initially, seem incompatible with sickness absence, they are essential when the end result might be termination of that employment. There comes a time when any reasonable employer is entitled to decide that termination of employment is the only reasonable course of action, providing that the employee has been given sufficient warning that this may be the outcome if attendance does not improve and that a period of time over which to improve attendance has been specified and exhausted to no avail.

Any decision to terminate employment arising from this procedure must be preceded by:-

1. A review of the employee's attendance record and reasons for absence.
2. A medical report.
3. Opportunity for the employee to make representations regarding sickness absence.
4. Appropriate warnings that dismissal may occur if attendance does not improve within a specified period.

This process is separate from the normal disciplinary procedures.

### **Medical Reports**

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An employee may be required to submit to an examination by the Authority's nominated Medical / Occupational Health Adviser where that employee is considered to be unable to perform his / her duties as a consequence of illness.

When referring an individual for an independent medical report, the arrangements set out in the Long Term Sickness Absence Procedure should be followed.

Any medical report, when received, should be fully taken into account in deciding future management action. The contents of the report will be shared with the employee concerned unless the Doctor specifies otherwise.

### **Formal Action – Procedure**

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It is intended to provide fair and effective arrangements with clarity of the rights and responsibilities of School Management, employees and the Professional Association / Trade Unions. It is stressed that there must be consistency of approach and standards in dealing with all employees absence issues.

Normally the stages below would be followed sequentially. However, if an employee has progressed through some stages and action has ceased following satisfactory attendance within the review period and, if within a 12 month period of the date of the satisfactory review further action is again considered necessary, the procedure may be recommenced at the appropriate stage. Where there has been a twelve month period of acceptable attendance any subsequent action would recommence at Stage 1, Members of the employees have the right to consult and to be accompanied by a representative (including a Trade Union / Professional Association representative) at any interview carried out under these procedures.

If any employee considers that he / she has been treated unfairly or inconsistently under this procedure, he / she has the right to pursue a grievance under the Schools Grievance Procedures. It should be noted, however, that the submission of a grievance will not result in this procedure being halted.

### **Stage One**

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The employee should be invited , in writing, to an interview with the Head teacher. The invitation should state the absence details and the opportunity to consult and to be accompanied by a representative of his / her choice. A reasonable period of notice of the meeting should be given (e.g. 5 working days).

### **At Interview**

- Draw attention to absence pattern, the reasons given for absence and the implication on the school.
- Discuss, to clarify, underlying causes and seek to deal with these again drawing attention to the Employee Welfare and Counselling Service and the support from Professional Associations / Trade Unions.
- If there is no acceptable explanation, the employee is issued with a formal written warning that:-
  - Level of attendance unacceptable.
  - Improvement essential over specified period e.g. 12 weeks / 1 term / ½ term.
- Agree review period : Fix review interview date.
- Inform the employee that further deterioration in absence frequency / levels during review period, exceeding that in previously monitored period, will result in review date being brought forward and that continuing unacceptable absence will lead to action under the next stage of the procedure.

### **Following Interview**

- Confirm outcome, in writing. With return slip to acknowledge receipt of the warning. Remind that further deterioration over previous levels will result in the bringing forward of review date and that continuing unacceptable absence will lead to action, under the next stage of the procedure.

### **End of Monitoring Period**

- If, at the end of the review period, attendance has improved and is within acceptable levels, no further action should be taken other than to confirm, in writing, to the employee concerned that attendance is now considered to be satisfactory and to advise the employee that if further action is deemed necessary under this procedure, within the following twelve months, such action may begin at Stage 2 of this procedure.

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## **Stage Two**

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If there has been no acceptable improvement after Stage One, then a further interview with the Head teacher should be held. Invite the employee to attend setting out in the letter, absence details including the review period, the reason for the interview and the right for the employee to consult and to be accompanied by a representative of their choice.



### **At Interview**

- Draw attention again to absence patterns including the review period.
- Discuss again to clarify underlying causes and seek to deal with them, involving Employees Welfare Service or other agencies as appropriate.
- Remind of the implications of continued excessive absence e.g. effect on pupils, other employees, budget implication etc.
- If no acceptable explanation, issue a final written warning that:
  - Level of attendance unacceptable.
  - Significant and sustained improvement needed.
- Agree further review date and set targets for improvement.
- Inform that, if no significant and sustained improvement, outcome could be a recommendation for dismissal on the grounds of incapacity to maintain level of attendance.

### **Following Interview**

- Confirm final written warning, in writing, with return slip to interview acknowledge receipt.
- Remind of possible outcome if significant and sustained improvement not achieved.
- Remind that further deterioration over previous levels will result in bringing forward of review date.

### **End of Monitoring Period.**

At the end of the further review period, if the attendance has improved to within acceptable levels then no further action should be taken other than to inform the employee, in writing, of this fact, and to advise the employee that if further action is deemed necessary under this procedure within the following 12 months such action may begin at Stage 3 of this procedure.

### Stage Three

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If there has been no acceptable improvement after Stage Two, then the final interview should take place. The Head teacher should discuss the circumstance of the case with the Senior Area Personnel Officer, prior to arranging any further meeting with the employee and his / her representative.

If there is no current medical report available, then an independent medical opinion should be obtained through the Schools Personnel Team prior to the interview.

**NOTE:** Whilst every effort will be made to ensure the medical venue is mutually convenient, in extreme cases, where the employee either refuses to attend the medical or does not attend on more than one occasion, progression to Stage Three should not be unduly delayed. In such instances, the employee should be informed that the Governing Body will have to proceed without the benefit of a current medical report for reference.

The letter inviting the employee to attend the interview should:-

- Set out the attendance record including that over the review period.
- Advise of the right to be accompanied by a representative of his / her choice.
- Specify the reason for the interview.
- State that a recommendation to the Governing Body for dismissal could be the end result of the meeting.

### At Interview

- Consider any new information regarding ill health or change in nature of sickness absence.
- Consider medical advice (suspend interview if further advice thought necessary arising from interview discussion).
- Following consideration of any representatives Head teacher makes a final decision regarding the submission of a report which may recommend termination to the Attendance and Dismissal Committee of the Governors. Any appeals against dismissal would be to the full Governing Body, excluding the members of the Attendance and Dismissal Committee.

### Following Interview

- Confirm outcome, in writing, with return slip to acknowledge receipt.

- Pursue arrangements for meeting of Attendance and Dismissal Committee. (See Appendix C)

## **LONG TERM ABSENCE OF EMPLOYEES MODEL PROCEDURE**

Where an employee has been absent from duty for eight weeks or more due to sickness, or there have been a number of shorter periods of sickness, or the Head teacher / Governors of the school have justified concerns about the ability of the employee to carry out his / her duties because of a medical condition, the need for a referral for a medical opinion from the Authority's Medical / Occupational Health Advisor will be considered.

Where it is decided that the employee should be referred to the Authority's Medical Occupational Health Adviser, the Schools Personnel Team will write to the employee setting out the process involved and will if needed also arrange to see the employee to explain the process before the referral is made. In all cases the employee will be informed that they may find it helpful to seek the advice and guidance of their Trade Union.

The employee will be provided of a copy of the explanatory note, which outlines their right under the relevant legislation. It should be noted that referral to the Authority's Medical Occupational Health Adviser is not dependent on the completion of the consent form referred to. It is also noted that it is a contractual requirement for both teaching and non teaching staff to submit to medical examination if requested to do so.

Teachers considering infirmity retirement are strongly advised to consult their Trade Union / Professional Association so they are fully aware of the implications of their application.

In some cases it may be considered appropriate for a medical report to be sought from the employee's own medical practitioner, prior to their being seen by the Authority's Medical / Occupational Health Adviser. If this is the case the employee will be asked to sign a further consent form.

If after referral the Authority's Medical / Occupational Health Adviser requires the employee to attend for medical consultation the employee will be notified of the appointment date. Failure to attend without good reason may lead to formal disciplinary action and / or decisions being taken on the basis of the existing level of knowledge about the absence. Failure to attend such consultation may also disqualify the employee from the benefits of the occupational sick pay scheme, in accordance with their conditions of service. The Authority's Medical / Occupational Health Adviser will send a report to the Schools Personnel Team Leader. Following any discussion of the case with the Senior Area Personnel Officer the Schools Personnel Team Leader will report the Authority's Medical / Occupational Health Adviser's comments and conclusion to the Head teacher in confidence and will discuss what further action is necessary. Normally a copy of the report will be supplied to the employee and a further copy will be sent to the Head teacher.

Normally the outcomes of a medical examination and any subsequent discussion will be that the employee is:

- Fit to return to full duties of the post. OR
- Fit to return to the duties of the present post subject to their having been some reasonable adjustment carried out and / or the benefit of rehabilitation programme, possibly through a phased return to work. OR
- Permanently incapable of discharging efficiently the duties of the present post but fit for comparable employment. OR
- Permanently incapable of efficiently discharging the duties of the present post or any other comparable employment.

Any recommendations for Permanent Incapacity will be covered by the Lancashire County Council's policy and will be overseen by the Schools Personnel Team Leader. Following any discussion of the case with the Senior Area Personnel Officer and the employee and their representative the outcome of the discussion will be confirmed in writing to the employee.

Where the Authority's Medical / Occupational Health Adviser has determined that an employee is permanently unfit for discharging the duties of their present post but is fit for other comparable employment, then the availability of suitable alternative employment should be given full consideration. Further advice on this can be obtained from the Schools Personnel team, who can assist in the process.

**(a) No alternative employment identified**

Where the employee agrees with the medical decision, the Chairman of Governors should use his / her delegated powers to request the Authority to dismiss the employee on the grounds of permanent ill health with due notice. The Personnel Team will liaise with the Occupational Health Adviser in relation to the completion and submission of the formal Certificate for Ill Health Retirement.

Where the employee disagrees with the medical opinion, the matter will be Referred to the Attendance and Dismissal Committee for a decision.

**(b) Comparable alternative employment is identified**

This should be offered to the employee. If the alternative employment is rejected by the employee and he / she is in agreement with the medical opinion, the Chairman of Governors should use his / her authority to request the Authority to dismiss the employee on the grounds of permanent ill health/ The Personnel Team will ensure that the employee is aware that refusal of the offer of comparable employment would result in no automatic entitlement to pension benefits being paid immediately upon termination.

Any appeal against such a decision will only be accepted where it is submitted on the basis of the employees belief that the alternative employment which has been offered is not comparable. Any such appeal will be heard by a Dismissal and Attendance Committee, whose decision will be final. There will be not further right

of appeal against dismissal.

However, having already been medically certified as suffering permanent ill-health the employee is entitled to request early payment of preserved benefits on the grounds of ill-health under regulation 31. Importantly, no ill-health enhancement will be added in these circumstances.

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### **Temporary Incapacity**

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If the Authority's Medical / Occupational Health Adviser advises that the employee is not permanently incapable of carrying out the duties and responsibilities of the post and may be capable of returning to work, the Schools' Personnel Team will continue to monitor the case. Where it appears that the employee will be fit to return to his / her duties in the near future, no further action may be required. Where necessary, the Schools' Personnel Team will arrange a meeting with the employee.

However, where it is apparent from the Authority's Medical / Occupational Health Adviser's comments, that the employee will be absent from duty for some time but may return, the Schools' Personnel Team Leader should discuss the matter with the Head teacher / Chair of Governors, as appropriate, in order to determine what action should be taken. A meeting may also be arranged with the employee to discuss the options available.

The alternatives available include:-

- Continuation of monitoring.
- The possible application for ill health benefits.
- Phased re-introduction to work (this would only be done in agreement with the Authority's Medical / Occupational Health Adviser, the employees medical adviser, the employee and the Head teacher and Governors).
- Restructuring of the employee's duties and responsibilities.
- Retraining.

In case of more prolonged absence, where the Authority's Medical / Occupational Health Adviser continues to be able to make any firm prognosis regarding return to work or ill health retirement, a meeting / interview should take place with the employee, accompanied if her / she so wishes, to discuss the findings of the medical report, the implications and to consider any comments made by / on behalf of the employee. If appropriate a second medical opinion should be sought and a further meeting held with the employee.

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### **Ill Health Retirement Initiated by the Employee Teachers**

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Where a teacher wishes to apply for ill health benefits, he / she should be advised to consult with their union / professional association, before finalising their application. In making such an application, the teacher will be reminded that in doing so they are

indicating to their employer that they believe themselves to be permanently unfit to teach. They will be asked to complete Form 18 and return it to the Education Office. The Central Personnel Team at County Hall will then forward the application to Teachers' Pensions. Section 8 of the form asks the teacher to indicate who they wish to provide the medical report.

### **Non Teaching Employees**

Where an employee considers that he / she is permanently unfit to undertake the duties and responsibilities of their post, he / she should write to the Head teacher stating this and the reasons to support it (preferably accompanied by a statement from their own doctor / medical adviser). This should then be referred to the Schools' Personnel Team Leader with comments and where appropriate, the case will be referred to the Authority's Medical / Occupational Health Adviser for decision.

#### **Specific Disorders (Teachers and Other Employees Having Contact with Children)**

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The teachers' Regulations and DfEE Circular 13/93 outlines the action to be taken in cases of teachers found to be suffering from pulmonary tuberculosis, epilepsy or psychiatric disorders. Such cases should be referred to the Authority's Medical / Occupational Health Adviser following the procedure outlined in Section 2 above. The employee should not be allowed to work until the Authority's Medical / Occupational Health Adviser has given clearance.

In some cases the employee's general practitioner may sign him / her off as being fit to work, but he / she should not be allowed to return to duty until the Authority's Medical / Occupational Health Adviser has made a decision, even if this means suspending the employee from duty on full pay. Where an employee is suspended on full pay, the County Treasurer must be informed and the full cost will be met by the Authority.

### **Industrial Injury**

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Where an employee is absent from duty due to an accident which arose out of, and in the course of his / her employment, this will be treated as an industrial injury. Where there is any doubt as to whether it should be treated as an industrial injury, the Schools' Personnel Team Leader should seek advice from the Senior Area Personnel Officer.

If the case is held to be an industrial injury, the employee is automatically entitled to full pay for a maximum period of 6 months, in the case of teachers and 9 months, in the case of former APT & C/Manual Support Employees. This is not deducted from his / her normal sick pay entitlement.

The Schools' Personnel Team Leader will inform the Resources Directorate (previously The County Treasurer) and the employee, that the absence is being viewed as an industrial injury (without prejudice).

If the absence is to continue beyond the maximum period specified above, it will be necessary to seek approval, as early as possible, for an extension of full pay and half pay. In the case of teachers, the teacher should receive his / her entitlement to ordinary sick pay (i.e. 100 days full pay and half pay, less any days already taken in the period 1<sup>st</sup> April to 31<sup>st</sup> March). The Schools' Personnel Team Leader will notify the employee and the school of any extension.

In the case former of APT & C/Manual Support Employees, any extension of pay will be a matter for consideration by the Governing Body. The Schools Personnel Team Leader and the Resources Directorate Salaries Section will be informed of the decision on any extension of pay.

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### **Extension of Pay Due to Long Services and Expiry / reduction of Sick Pay**

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#### **Teachers**

In addition to the provision for sick pay outlined in the Authority's Sick Pay Regulation for Teachers, automatic extension of sick pay will be awarded to those teachers with long service. It should be noted that extensions of sick pay should not be granted where there is no expectation of return to duty, for example, when a teacher has applied for or has been granted infirmity benefits. Any proposal to go beyond such extensions will need Authority approval and must be referred to the Central Personnel Team at County Hall.