



# **Dixons Allerton Academy**

## **Staff Attendance**

**Responsibility for Review: Senior Leadership Team**

## Statement of intent

The Academy is committed to maintaining the health, safety and welfare of its staff and seeks to provide a positive and healthy working environment. Regular attendance at work is part of every employees contract of employment and is vital to the success of the Academy however it is recognised that employees will on occasion have genuine and acceptable reasons to be absent from work, on these occasions management will aim to do everything possible to support a member of staff during a period of absence with the aim of assisting their return to work at the earliest opportunity.

The policy and procedure aims to provide a fair and consistent framework for managing attendance and should inform all staff of their responsibilities regarding attendance at work.

**Signed by :.....**

**Date:.....**

**(Principal)**

**Signed by :.....**

**Date:.....**

**(Chair of Governors)**

## **Responsibilities**

### **Responsibilities of the Line Manager**

- to inform employees of attendance management procedures
- to maintain reasonable contact with employees during a period of absence, while maintaining sensitivity and confidentiality throughout
- to ensure staff are fit to return to work
- to meet with all employees for welfare meetings, regardless of the duration of the absence
- to discuss and monitor staff welfare continuously to prevent stress and absenteeism and especially after periods of absence
- to liaise with and support the HR Assistant on absence matters

### **Responsibilities of the HR Assistant**

- to ensure all sickness absence and return to work details are administered and recorded upon notification
- to monitor and review all sickness absence across the Academy and provide reports for senior management staff
- to calculate trigger points for absence under the staff attendance policy and report this information to the relevant line managers
- to co-ordinate attendance review meetings with senior staff and employees whose attendance levels begin to cause concern/are a concern
- to take minutes at formal absence meetings as requested

### **Responsibilities of the Employee**

- to attend work when fit to do so and be punctual for work in accordance with the hours defined in their contract of employment
- to comply with the Academy's notification of absence procedures
- to communicate/meet with management during extended periods of absence or in the circumstances that an employee is medically unable to do so, make arrangements for an intermediary, e.g. family member to communicate on their behalf
- work with management to take action to improve attendance
- to acknowledge a joint responsibility for their level of attendance
- provide adequate cover work for short term periods of absence
- to provide a fit to return note from GP following a period of absence of 14 days or more
- Attend any referrals to Occupational Health that the Academy makes

## **Notification of Absence**

### **Unexpected Absence**

If teaching staff are not used for cover during their non-contact periods they are expected to remain on academy premises. If there is an emergency which requires any member of staff to leave academy premises during directed time/working hours, the permission of the Deputy/Principal must be sought. If permission is granted the member of staff should immediately contact the HR Assistant to arrange emergency cover work and have their absence logged on SIMS. Staff may leave the premises during lunch time without seeking permission, but should sign in and out at reception, in case of emergency

### **Sickness Absence**

The purpose of having a clear notification process is to ensure that the academy can make the necessary arrangements to cover employee absence. This may involve arranging for supply cover or longer term arrangements in the event that the employee will be absent for a longer period of time. As such, the academy has set the following reporting procedure which should be followed in the event that employees are unable to attend work due to illness.

First day of absence;

1. Staff must contact the HR Assistant prior to 7.00am on the day of absence by ringing the staff absence telephone line on 01274 770239. Staff should advise their reason for absence and indicate their expected date of return to work. Communication should also be made with the line manager before 8.00am.
2. Unless the illness or other cause for absence is extremely incapacitating an absent teacher is responsible for setting appropriate work. This can be either:
  - a. left in the purple cover trays in the main staff room no later than 8.00am on the day of absence
  - b. emailed to 'coverwork@dixonsaa.com' no later than 8.00am on the day of absence copying in their line manager.

## **Medical Certificate**

Absences up to seven days do not require a medical certificate.

1. For absences of more than 7 calendar days a statement of fitness for work must be obtained from a GP and sent to the academy by the eighth calendar day.
2. Further statements must be received no more than three working days from the expiry of the previous one.
3. If illness continues into an academy holiday, it is essential to inform the HR Assistant via the staff absence telephone line when you are fit to return to work.

## **Sick Pay**

Please refer to your conditions of service for your entitlement.

Failure to comply with the notification requirements could result in immediate appropriate deductions of pay. If, in exceptional cases an employee does not follow the reporting procedures they should discuss this with management and only in exceptional circumstances may pay be reinstated.

## **Return to Work Meeting**

All staff should contact the HR Assistant at the academy before 3.30pm on the day before you plan to return to work.

On the first day of return to work the employee should report to the HR Assistant as soon as they arrive at the academy.

The HR Assistant will administer the return to work paperwork to the relevant line manager. A return to work meeting will be conducted within 48 hours of the employee returning to work and will be conducted every time an employee is absent, regardless of the length of the absence.

The Return to Work form is highlighted in Appendix A.

The Line Manager will hold the return to work meeting to:

- welcome the employee back to work
- ensure that the employee is fully fit to return to work
- identify the reason for the absence and confirm the length of the absence
- ensure reporting procedures were followed
- identify and address any problems (work-related or otherwise) that may have caused or contributed to the absence

- discuss how the employees work has been covered during their absence
- update the employee on any news they may have missed while they were off
- determine whether any additional support is required to sustain attendance / performance

### **How the meeting will be conducted**

The nature and the content of the meeting will vary dependent on the length and reason for the absence. It is an informal meeting, however some will be of a general nature with a discussion as to the reason for the absence; others will need to be more detailed.

The Return to Work form must be completed and signed by both the manager and employee. A copy should be given to the employee if requested. The completed form should be returned to the HR Assistant to be kept on the employee's personnel file.

### **Outcomes of a Return to Work Meeting**

There are a number of possible outcomes from this meeting which are outlined below;

- there are no underlying reasons for the absence and the level of absence is not a concern, therefore no further action is necessary
- the employee may request support for an underlying reason for their sickness absence. In this case the academy may take all reasonable steps to support
- that sickness absence has reached a concerning level, in this case management may invite the employee to attend a meeting under stage 1 of the formal procedures

## **Formal Procedure for Managing Sickness Absence**

In order to manage attendance effectively it is important that sickness absence is consistently reviewed. There are pre-determined review points which can alert management if an individual's attendance has reached a point where there is cause for concern. The following review points are in place to monitor staff attendance.

### **Trigger Points**

- 6 days absence within six months
- 3 separate absences within six months
- four weeks of continuous absence
- patterns of absence e.g. Mondays and Fridays
- when operational need dictates

The review points themselves are not an automatic mechanism for taking action. All circumstances will be carefully and sensitively considered in order to treat you fairly, consistently and compassionately. When reviewing your absence, management will consider:

- what effect the absence is having on the operation of the academy
- the need for temporary cover
- the need to re-organise duties amongst other employees
- the effect of the absence on other employees
- the nature of the absence
- the likely length of continuing absence
- when the employee is likely to return to work
- the employee's ability to return to the same post
- can any assistance be given to speed up the return to work e.g. redesign of the job, retraining, alternative work, a change in working hours
- the costs incurred as a result of the absence

### **Formal Procedure – Stage 1**

If there is cause for concern when an employee reaches a trigger point, a meeting with the employee's line manager and a senior member of staff will take place to provide an opportunity for the employee to discuss the following;

- the number, reasons and frequency of absences
- whether there are any underlying reasons for the absence, e.g. a medical condition, issues at home or work
- what actions the academy can take to support the employee to improve their attendance, i.e. Occupational Health support
- what steps the employee will take to improve their attendance.

An employee will be given 5 days notice in writing of the meeting and should be notified that they have the right to be accompanied by his/her Trade Union Representative or work colleague under formal procedures.

The prime objective of the meeting is to assess the health of the employee and to support the employee in returning to an acceptable level of attendance.

At the end of the meeting there should be:

- a record of what was discussed and agreed, i.e. any reasonable adjustments considered / agreed and action either party has agreed to take to support the employee
- an action plan including targets for improvement with review dates, normally over one academy term (Appendix B)
- a clear understanding that while procedures are intended to support the employee to improve their attendance, failure to improve could ultimately lead to disciplinary action and potentially to dismissal

After the review period, where it is considered that the matter has been resolved or can be managed within further review, this will be confirmed in writing to the employee. Absence will then continue to be monitored. Where the matter has not been resolved or more than one period of formal stage 1 absence monitoring has taken place within an academic year, management may invite the employee to attend a meeting under stage 2 of the formal procedures.

## **Formal Procedure - Stage 2**

If targets for improvement set at stage 1 are not met then senior management (usually a Deputy Principal) will meet with the employee under stage 2 of the procedure. A stage 2 meeting should be conducted as soon as the employee's attendance falls below what has been agreed.

The stage 2 meeting should follow the same format as the stage 1 meeting and in addition, outline:

- a failure by the employee to improve after earlier management intervention
- continued unsatisfactory attendance outside of the action plan / targets
- a level of absence which is causing such high impact on the academy, it cannot be sustained
- Management may seek permission to obtain medical information from the employee's GP if not already obtained through Occupational Health during informal stages or at Stage 1.
- A clear understanding that the stage 2 review period is the final opportunity to improve attendance and unless targets for improvement are met, the next stage of the procedure could lead to dismissal

At the end of the meeting, all details should be recorded. If at this stage, no long term improvement is possible and the academy is unable to sustain the level of absence, the matter may have to be referred to a medical capability hearing or ill-health retirement may be appropriate.

## **Formal Procedure – Stage 3**

A disciplinary hearing may be considered if absence is unauthorised or unacceptable (the academy cannot sustain it and the employee has shown no sign of sufficient improvement).

The employee will be invited in writing to the meeting giving a minimum of five working days notice. The letter will advise that dismissal is a possibility and will remind the employee of his/her right of representation. Any documentary evidence to be presented at the hearing in respect of the employee will be included with the letter.

## **General Practitioner Reports / Occupational Health**

In the event of persistent absenteeism, or long term absence (a period of sickness that lasts longer than four calendar weeks) an employee may be asked to give consent to the Academy to contact your doctor or to undergo an independent medical examination, usually through Occupational Health services. Any costs incurred as a result of the medical examination will be met by the academy. Staff have a contractual obligation to attend and failure to obtain up-to-date medical information could affect the decisions made by the academy and lead to disciplinary action.

## **Medical Suspension**

There are a number of situations where management may need to consider suspension on medical grounds. These may include;

- Pulmonary tuberculosis (employees must be suspended from work)
- Epilepsy (requiring suspension if any attack has taken place or whilst a medical investigation is underway)
- Psychiatric disorder (including alcohol and drug abuse).

If the decision to medically suspend an employee is taken, management will do the following;

- meet with the employee and a representative if possible, to action the suspension
- put into action any agreed processes, such as independent medical advice and support
- continue to monitor and review
- lift the suspension if appropriate and communicate this to the employee.

Reasons for such a decision may include consideration for the protection of the employee's health, as well as the health, welfare of other staff and students who may be put at risk by the employee's medical condition. The suspension should be reviewed weekly or monthly and may be lifted at any time.

## **Long Term Absence/Ongoing Health Problems**

Long term sickness is defined as any continuous absence for four weeks or more. In the case of long term or ongoing absence, management should maintain contact with employees throughout their absence, employees also have the responsibility to communicate/meet with management or in the circumstances that you are medically unable to do so, they should make arrangements for an intermediary e.g. Trade Union Representative, work colleague or a family member to communicate on the their behalf. Employees should also ensure that they provide the academy with medical certificates as required.

## **Home Visits**

In some circumstances employees may be unable to attend a meeting at the Academy. In this situation it may be appropriate for management to arrange an alternative neutral venue or possibly visit employees at home with their prior agreement.

## **Possible outcomes of long term absence**

It is hoped that employees are able to return to work and continue to be fit to undertake their normal role. However, this may not be possible and a number of different outcomes may have to be investigated and supported by management.

## **Return to Work (substantive post) with reasonable adjustments**

The academy will seek to make reasonable adjustments to the workplace to enable an employee to return to work. Under the Disability Discrimination Act (DDA) 1995, there is a legal obligation for the academy to consider reasonable adjustments. At any time, management may feel that it may be appropriate to consider adjustments. This may include undertaking an assessment of the workplace and the employee's duties where there is any indication that the employee may be suffering health problems as a result of their work.

Reasonable adjustments include:

- allocating some duties to another employee
- transferring the person to fill an existing vacancy
- altering working hours
- changing the person's place of work
- supplying additional training
- acquiring or making changes to equipment
- providing a reader or signer.

## **Medical Capability Dismissal**

If no long term improvement is possible, and the Academy is unable to sustain the level of absence it may be necessary to terminate employment on the grounds that the employee is medically unable to fulfil their contract of employment.

If considering dismissal on grounds of medical capability management will arrange to meet with the employee and discuss the necessity for a report from an independent medical professional and to make you aware that dismissal is a possibility. The employee may be accompanied at the meeting by a Trade Union representative or work colleague. Management may take advice from the Academy's Human Resources Provider. Following the meeting, management will confirm in writing the details discussed.

The purpose of the meeting is to;

- ascertain the employee's views on their current health situation, the possibility of a return to work and their fitness to do any other work
- discuss if ill health retirement may be appropriate
- discuss the possibility of the governors meeting to determine medical capability, which may result in dismissal
- inform the employee that they have the right to provide their own evidence.

Once the report from the independent medical professional has been received, the employee will be invited to attend a further meeting to discuss the findings of the report. You will also have an opportunity to respond to the findings of the report.

It is likely that the matter will then be referred to a nominated manager or a Governing Body panel to consider dismissal on grounds of medical capability where medical advice may have stated that;

- the employee is permanently unfit to work
- they are unable to provide evidence of when the employee will be able to return to work
- they cannot confirm that the employee will be able to provide a reliable service.

## **Medical Capability Hearing**

Management may then arrange a meeting to determine medical capability. The decision will be made by the Principal. Appeals will be heard by a committee of the Governing Body.

At this stage the employee should receive written notification of the meeting along with a proposed running order of the meeting and any evidence that management will present at the meeting. The employee should receive five working days notice of the meeting.

The employee will have the right to be represented at the meeting by a recognised trade union representative or work colleague. Should the employee be dismissed on medical grounds the employee will receive notice pay in line with conditions of service. This will take effect from the date the employee is informed of the decision. The employee will be informed of the decision in writing along with their right of appeal.

The recommended procedure for the hearing can be found in Appendix D.

## **Right of Appeal**

The employee has the right of appeal against the decision of the committee. The right of appeal against the decision of the committee may be exercised within 5 working days of the date of the letter confirming the outcome of the medical capability hearing. Appeals must be in writing to the Principal within the time scales outlined, giving full details of the grounds of appeal.

## **Medical Capability Appeal Hearing**

The Governing Body will arrange for those of their members who were not involved in the initial panel to hear the appeal against the determination. Wherever possible, no more than 15 days should be allowed from the date of receipt of the appeal before the appeal hearing is held.

The recommended procedure for the appeal hearing can be found in appendix D.

The decision of the Appeal Panel will be confirmed in writing. Should the committee overturn the decision to dismiss the employee on grounds of medical capability, the employee shall be reinstated and salary backdated to the date of the dismissal.

The decision of the appeal hearing is binding. There is no further right of appeal.

## Appendix A

### **STRICTLY PRIVATE AND CONFIDENTIAL**

#### **RETURN TO WORK MEETING FORM**

*This form should be completed by the Line Manager in consultation with the employee*

<b>DETAILS OF THE MEETING</b>	
Employee Name	
Job Title	
Department	
Date of the meeting	
Manager conducting meeting	
<b>DETAILS OF ABSENCE</b>	
Start date of absence	
End date of absence	
How was absence reported? (State time, date & to whom)	
Total no. of days absent incl. ½ days	
Was absence reporting procedure followed? (if not, please explain procedure)	
Sickness in previous six months	Days      Occasions
Reason for absence	
Is the member of staff fit and well to be back at work? (check any unfit to work notes have ended)	
Does the member of staff feel that there is an underlying health issue connected with the absence? Has there been any medical involvement, e.g. GP/hospital care?	
Are there any factors at work / outside of work contributing to the absence?	
Provide updates on items at work member of staff may have missed	
Are there any adjustments required following the absence? Can any support be offered by the department to help sustain attendance/performance?	
Request for further support from HR (Please circle if required)	Occupational health/staff counselling/support agencies/other
Has this absence set in motion the Stage 1 or 2 absence meeting as per the staff attendance policy	<b>Yes/No</b>

Signed (Manager) \_\_\_\_\_ Date \_\_\_\_\_

PRINT NAME \_\_\_\_\_

Signed (Employee) \_\_\_\_\_ Date \_\_\_\_\_

PRINT NAME \_\_\_\_\_

## Appendix B

### Absence Formal Stage 1/2 Meeting

The prime objective of this meeting is to assess the health of the employee and to support the employee in returning to an acceptable level of attendance after reaching a trigger point and/or cause for concern.

- 6 days absence within six months
- 3 separate absences within six months
- four weeks of continuous absence
- patterns of absence e.g. Mondays and Fridays
- when operational need dictates

Has the employee had 5 day's notice and been asked if they wish to have representation?

Yes  No

Name of employee	
Date	
Names & positions of others present	
Period of sickness absence from & to	
How many previous periods of sickness absence has the employee had	

**What information/evidence is there to justify this Absence Review Meeting?  
i.e. details of previous sickness absence not meeting acceptable levels of attendance:**

- 

**Are there any underlying/specific problems relating to the sickness absence?**

*For example, is the employees home life affecting attendance at work, is the employee a carer for anyone at home? Alternatively, is there anything at work preventing the employee from attending work?*

**What specific support can the employee be offered?**

**What steps will the employee take to improve attendance**

**Target / Monitoring Period**

Advise the member of staff that failure to meet the targets during the monitoring period may result in further formal action.

A copy of the notes from this meeting including any agreement must be provided to the employee before it is placed on the personnel file.

**Signature** **of**  
**Employee:**.....**Date:**.....

**Signature** **of**  
**Manager:**.....**Date:**.....

## Appendix C

### Formal review meeting: End of formal stage 1

Before conducting this meeting the employee should be asked if they wish to have Trade Union or other support. Have they been asked?      Yes      No       

The purpose of this meeting is to assess the progress against the targets set at the informal stage.

Formal Review Meeting for \_\_\_\_\_

Date: \_\_\_\_\_ with \_\_\_\_\_

Names & Positions of others present: \_\_\_\_\_

Additional Period of Sickness Absence in Stage 1 Monitoring Period:

From: \_\_\_\_\_ To: \_\_\_\_\_ No. of Days: \_\_\_\_\_

How many previous periods of sickness absence has the employee had? \_\_\_\_\_

**What information/evidence is there to justify this Formal Review Meeting?  
i.e. details of previous sickness absence not meeting acceptable levels of attendance:**

**Are there any specific problems relating to the sickness absence?**

**What specific support can the employee be offered?**

**Other relevant information**

Do any of the following exist after the Stage 1 Formal Review Meeting?

- a failure by the employee to improve earlier management intervention?
- continued unsatisfactory attendance
- sickness absence for a maximum of half a term of management intervention under the Capability Procedure
- a level of absence which is causing such concern that management assesses it needs to be dealt with immediately within the formal procedure

**The outcome of this meeting is:**

- confirmation that the stage 2 review period is the final opportunity to improve attendance and unless targets for improvement are met, the next stage of the procedure could lead to dismissal\*
- confirmation that a further period of monitoring is required
- confirmation that where it is considered that the matter has been resolved this will be confirmed in writing to the employee.

**\*A disciplinary hearing may be considered if absence is unauthorised or unacceptable (the academy cannot sustain it and the employee has shown no sign of sufficient improvement).**

**The employee will be invited to in writing five working days in advance. The letter will advise that dismissal is a possibility and will remind the employee of his/her right of representation. Any documentary evidence to be presented at the hearing in respect of the employee will be included with the letter.**

A copy of the notes from this meeting including any agreement must be provided to the employee before it is placed on the personnel file.

**Signature of Employee:.....**  
**Date:.....**  
**Signature of Manager:.....**  
**Date:.....**

## Appendix D

### Procedure to follow at a Medical Capability Hearing/Medical Capability Appeal Hearing

The Principal /Chair will:

- invite the manager presenting the case and the employee (including the representative) into the room together
- open the proceedings by introducing those present and their roles in the process
- will inform the employee (and representative) of the purpose of the hearing.

If the employee is not accompanied, the Principal /Chair must confirm that this is the employee's decision not to be accompanied at the hearing.

All those present are entitled to request an adjournment at any stage during the appeal to consider their situation. The Principal /Chair will decide if an adjournment is appropriate at that stage and how long is granted.

In cases of Appeal - The Chair will confirm the grounds for the appeal hearing and the process that will be followed. If the grounds for the hearing are unclear the Chair should obtain clarification before proceeding.

The Principal/Chair will explain how the hearing will proceed as follows:

- The presenting manager will state the case to the employee including the calling of witnesses (if appropriate). Witnesses should appear one at a time and may only be present whilst giving evidence or being questioned.
- The employee and/or his/her representative may ask questions of the presenting manager and any witnesses. The presenting manager, Principal / Chair and advisors may also ask questions of all the parties. The presenting manager and the Principal / Chair may re-examine the witnesses. The witnesses will then withdraw.
- The Principal / Chair will invite the employee and/or his/her representative to present their case including the calling and examination of witnesses. Witnesses must appear one at a time and may only be present whilst giving their evidence or being questioned.
- The presenting manager and Principal/ Chair may ask questions of the employee and any witnesses the employee and/or his/her representative and the Principal / Chair may ask questions of all the parties and re-examine the witnesses. The witnesses will then withdraw
- Witness may be asked to remain available as they may be required for further questioning.
- The presenting manager will sum up his/her case.
- The employee (or his/her representative) will sum up his/her case.
- The parties will withdraw from the room to allow the Principal / Governors to consider the evidence and come to a decision about whether medical capability dismissal is appropriate.

Where in attendance, the advisor may remain but must not decide the outcome. An adjournment may be required to obtain further information or advice before the Principal / Chair of Governors can reach a decision.

### **Deliberations**

Where possible a decision will be given to the employee on the day of the hearing. However, if the Principal / Chair believes it will take some time to make a decision, the employee (and the representative) and witnesses should be informed and asked not to wait.

The employee (and the representative) should be recalled and told the decision and the right of appeal.

The decision and the employee's right of appeal must be confirmed in writing. A copy of the decision letter should be placed on the employee's personal file.

### **Deliberations in cases of Appeal**

Where the Chair feels a decision may take some time, the other parties are asked not to wait.

Witnesses are also told they may leave. Otherwise the panel considers all the evidence and reaches a decision straight away. The note taker will record the Chair's decision.

Once the decision has been reached the employee (and representative) and the manager presenting the case are recalled and informed of the outcome. The Chair may take one of the following types of action at the end of the hearing:

- To uphold the appeal and reinstate the employee
- To dismiss the appeal and uphold the decision

There is no further right of appeal against the decision of the Appeals Panel. The outcome of the appeal hearing should be confirmed in writing to the employee as soon as possible, a copy of the letter should be placed on the employee's personal file.