



MANAGING ATTENDANCE AT WORK POLICY

Endeavour Multi Academy Trust

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1. Who the policy covers

This policy applies to all employees, regardless of length of service but does not form part of your contract of employment or any other contract to provide services and can be amended from time to time and in consultation with our recognised trade unions.

This policy does not apply to agency / supply workers, consultants, self-employed contractors, volunteers or interns.

Any reference to “the trust” refers to The Endeavour Multi Academy Trust.

2. Policy Scope

This policy strives to ensure the wellbeing of employees at work, through support, advice and help where underlying health issues are contributing to their absence in order to encourage consistent high levels of attendance. It recognises that whilst a certain level of sickness may be inevitable, a reasonable balance must be maintained between the needs of the business and those of employees to take time off from work due to sickness. This policy outlines what is expected from managers and employees when such situations occur (both short- and long-term sickness absence) in order to ensure that support and treatment is consistent, lawful, fair and equitable. The Code of Practice (**Appendix 1**) details the responsibilities of both parties and the mechanisms put in place to underpin our policy.

The Trust expects its employees to take responsibility for managing their own health wherever possible to ensure regular attendance at work, and to engage fully in the attendance management process when sickness absence occurs.

The Trust will use a trigger system to monitor all sickness absence, and employees not meeting the expected standards of attendance will be managed under the terms of this policy.

This policy has been implemented following consultation with our recognised trade unions.

Decisions will be made in line with the Trust’s local scheme of delegation or equivalent mechanism for making decisions at the appropriate level.

3. Policy Principles

The three stages of managing attendance are progressive and intended to remind and enforce the attendance standards that are expected from all employees, with support mechanisms to encourage this.

The manager must consider formal action at the appropriate trigger stage, after taking account of absences that are normally discountable.

The policy applies from the first day of employment, although an employee must never unknowingly find him or herself under consideration of the formal attendance procedure.

Sometimes conflict with others at work can lead to employees taking sickness absence. In these circumstances mediation can be particularly helpful, providing a process for the parties involved to explore their issues in a safe and confidential environment, paving the way to a successful return to work.

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

- effective support in the handling of sensitive and complex matters
- recognising disability related conditions and issues in the workplace and taking appropriate action to mitigate the effect of these
- equity and fairness of treatment
- consistency of application of the process and procedures agreed for handling sickness absence and attendance issues
- timeliness (in accordance with reasonable timelines).

Tool Kit & further information

1. For more information on how to apply this policy can be found in the Code of Practice at **Appendix 1**.
2. Employees are expected to engage appropriately with this policy insofar as they are affected by it. Abuse or misuse of this policy is unacceptable and may give rise to action under the Trust's formal procedures.
3. Information recorded during this process may on request be disclosed to any party involved in the process (subject to exemptions). When a request for information is received, it would need to be established if the requested information is the requestor's personal data. Written requests for information will be subject to the Data Protection Act 2018.

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

Appendix 1

4. Managing Attendance at Work – Code of Practice

Reporting Sick

Employees are required to personally contact their manager (or person appointed by their manager) at the earliest possible opportunity on the first day of absence and ideally at least two hours before they are due or expected to start work. An initial text message is acceptable however this must be followed up with a phone call as soon as possible from the employee to their manager.

Daily Contact up to Day 7 (working days only) - Employee is required to contact their manager to update on their absence giving indication of when you are likely to return. We would ask that employees let their manager/Headteacher know about any outstanding or urgent work that needs attention during their absence. In certain circumstances we understand that daily contact may not always be possible, and the employee should liaise with their manager to agree a schedule of contact.

From Day 8 onwards the employee is required to:

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

Failure to Produce a Fit Note

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

N.B. references to working days are Monday- Friday not the employee working days and exclude school closure periods.

5. Maintaining Contact during the Absence

Short term absence

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

Long term - absences of more than 20 calendar days

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

6. Return to Work (RTW) Discussions on Return from Sickness Absence

- The Trust will manage attendance through the use of Return to Work (RTW) discussions which will be conducted each time an employee returns to work following any period of sickness absence.
- The RTW discussion enables a manager to identify the cause of the absence and should be carried out as soon as possible, ideally on the day of return.
- Managers must complete the relevant RTW paperwork and update the on-line system for schools (or arrange for it to be updated where no direct access) to show that a RTW discussion has taken place and keep a local record of the discussion taking place. Return to Work discussions must take place following every absence to ensure that an employee will never unknowingly find him or herself under consideration of the formal Attendance Procedure.

7. Occupational Health Referrals

The Trust will seek Occupational Health advice, where you provide consent, and explore with your support, reasonable adjustments (temporary or permanent), and what options are available. It will also help identify whether a return to the current role is going to be possible within a reasonable timescale. There may also be situations where a return to work is not possible. For example, if the Trust are unable to make adjustments to the role. If an employee is not able to return, we will explore redeployment opportunities. If redeployment is not possible dismissal may be considered.

8. Disability

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

- It is unlawful to discriminate against a disabled person for reasons related to their disability.
- A further obligation is that of reasonable adjustments which may include altering the trigger point absences linked to a disability related illness.
- If your absence or illness is disability related, you should discuss any reasonable adjustments with your manager. This includes any adjustments that may help you to remain in work and prevent absence.

9. Phased Returns (following long term sickness absence)

- When you return to work following a period of long-term absence, you might benefit from a phased return to work plan to gradually increase your resilience and reintegration back into your workplace. It is helpful to consider this plan prior to your return and it might include such measures as: a gradual increase to your full duties, lighter duties for a fixed period, reasonable adjustments, a work-based risk assessment and/or a reduction in your hours of work.
- As a guide, a phased return to work plan can be between **1 – 4 weeks**, depending on the circumstances. The plan will also normally take into consideration any of the schools Occupational Health provider's advice that has been obtained during your absence and consider any information on your fit note, where provided.
- If you are undertaking reduced hours, during the phased return period, you will be paid your full contractual pay. If there is a need to extend reduced hours for a longer period, you can discuss the following options with your manager: a temporary reduction in hours (which affects pay), use of flexitime (where applicable), unpaid leave or annual leave.

10. Termination of Contract – Long Term Sickness Absence

- Despite allowing a reasonable time to investigate the reason for your absence, for recovery, exploration of support and reasonable adjustments, it is possible that you may not be fit to return to work at all or return within a reasonable timescale. In such cases your manager will progress to a formal meeting to consider dismissing you, on the grounds of capability due to ill health. You will have the right to be accompanied at this meeting by a work colleague or Trade Union Representative.

11. Absence Triggers for consideration of formal action

The following thresholds are set so that you understand when your absence levels may start becoming a concern:

- Four or more episodes of absence in a rolling 12-month period
- The equivalent of 2 or more weeks absence, relative to your working hours (cumulative or continuous) in a rolling 12-month period
- Absences in a short period warranting immediate intervention. For example, three episodes in three months
- A pattern of absence causing concern, for example:
 - o Regular Fridays or Mondays
 - o Absences regularly occurring on a particular day or when completing tasks

- o Pre or post annual leave

12. Discountable Absences

- Sickness related to disability (Equality Act 2010); critical illness; accidents on duty (where the accident has occurred on duty); maternity and pregnancy are normally discounted when considering formal action. An exception to this may be where reasonable adjustments have been agreed and put in place, but sickness absences continue to occur at an unreasonable/unmanageable level.

13. The Right to be Accompanied

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

14. Non-Attendance at Formal Meetings

- At any stage of the formal process if an employee declines to attend the meeting or is prevented from attending, the meeting may still proceed in their absence, at the discretion of the person or those conducting the meeting.
- The person conducting the meeting may request that the employee be offered a further opportunity no later than 5 working days from the original date. If non-attendance is due to sickness the employee must produce a fit note, which clearly states that they cannot physically attend the meeting.

15. The Formal Stages

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

16. Formal Attendance Procedures

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

Stage 1

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

Where formal process is to take place, the manager should:

- Arrange a formal meeting with the employee (usually within 14 calendar days of the employee returning to work, but in all circumstances as soon as is reasonably practical).
- Give a minimum of 10 calendar days' notice of the meeting in writing, clearly stating that it is being convened under the formal attendance procedure.
- A meeting is held to discuss the employee's absence and listen to their representations. If the line manager still feels that the attendance is unsatisfactory, a Stage 1 warning may be issued. Please note that a possible outcome of this meeting is that no warning is issued however the member of staff may be given a target for improvement.

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

Stage 2

- Where two further absences or the equivalent of 2 or more weeks absence, relative to your working hours (cumulative or continuous), has occurred during the 'life' of the previous Stage 1 warning. In such cases the manager will call the employee to a Stage 2 meeting with a more senior manager.
- Manager to invite the employee to a formal meeting allowing 10 calendar days' notice of the meeting.
- A meeting is held to discuss the employee's absence and listen to their representation. If the line manager still feels that the employee's attendance is unsatisfactory, a Stage 2 warning may be issued. Please note that a possible outcome of this meeting is that no warning is issued however the member of staff may be given a target for improvement. Should they incur a further two absences, or the equivalent of 2 or more weeks absence, relative to their working hours (cumulative or continuous) they will be facing Stage 3 of the Attendance Procedure at which point their dismissal will be considered.

Stage 3

- Where two further absences or the equivalent of 2 or more weeks absence, relative to your working hours (cumulative or continuous), has occurred during the 'life' of the previous Stage 2 warning.
- Manager to invite the employee to a formal meeting allowing 10 calendar days' notice of the meeting.
- The meeting is an opportunity for the line manager to discuss the employee's absence and the effect this is having on the workplace. It is standard practice to review the impact of the ongoing absence

upon the school at this stage in the process. Full details should also be given of any reasonable adjustments and support that the school or Trust have offered. The employee will also have an opportunity to present their submission around the reasons for their absence levels.

- Where the decision is to dismiss the employee will be advised accordingly in writing and informed of the last day of service, setting out their appeal rights.
- The expiry or otherwise of an employee's payments under the sickness absence scheme will not affect the decision.

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

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

17. Right of Appeal

Where their senior manager chooses to issue a formal warning or takes the decision to dismiss, the employee will have a right of appeal at all stages to a more senior manager. An appeal must be made within 5 working days of receipt of the outcome letter. The employee must fully state their grounds for appealing in their letter.

18. Expired Attendance Warnings

- **Stage 1:** A copy of the first stage written warning should be kept on file, but will lapse after 6 months, subject to satisfactory attendance standards being maintained.
- **Stage 2:** A copy of this written warning should be kept on file but will lapse after 12 months, subject to satisfactory attendance standards being maintained.
- **Stage 3:** Where a decision not to dismiss is made, this decision should be documented and retained on file. The employee will then return to their original Stage 2 warning and its applicable expiry date.