



**HR Services**

**THE BUSINESS OF EDUCATION**

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## **Health & Attendance Policy**

Date of Issue: March 2023

*The Professional Associations/Trade Unions have been consulted on this policy, and HfL recommends it for adoption.*

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*It is recommended that this cover page should be removed on adoption.*

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## 1. Introduction & Scope

The aims of this Health and Attendance policy are to set out the school's approach to sickness absence management, including but not limited to:

- it's trigger points;
- the requirements for notification;
- the requirements for certification;
- it's position on payment during sickness absence;
- ensuring employees and managers are aware of their responsibilities when sickness absence from work occurs; and
- ensuring that any sickness absence is dealt with fairly and consistently.

This policy and procedure applies to all employees within the school, it does not form part of any employee's contract of employment and it may be amended at any time.

## 2. Breaches of this policy and procedure

This policy covers short-term and long-term absences. The definitions used in this policy are:

- short-term absence: frequent, intermittent, short periods of absence
- long-term absence: any continuous period of absence over 28 days (calendar)
- trigger points absence monitoring system to highlight levels or patterns of sickness that require further attention

In the case of a breach of this policy and procedure, employees may be subject to disciplinary proceedings and possible withdrawal of sick pay.

Breaches include, but are not limited to, a failure to follow notification and certification requirements, when a school has reason to believe the sickness absence is not genuine and when the employee is undertaking inappropriate activities, including working for another organisation, whilst off sick.

Other relevant policies may include: Disciplinary, Time off work (non-sickness), Unauthorised absence.

## 3. Trigger points

It is hoped that close monitoring and discussions with an employee regarding absence and attendance will result in an improved attendance record. However, if levels of sickness absence reach a trigger point, sickness absence may be discussed with employees and managed in line with the school's absence management procedures.

In any six month period, the trigger points are:

- three separate occasions of sickness absence
- a continuous sickness absence of 10 working days or more

- an absence which appears to have a recurring recognisable pattern i.e. frequent absenteeism around a weekend.

These trigger points are for guidance only and the school reserves the right to raise any concerns at an earlier stage where there are reasonable grounds for concern, or at a later stage, where appropriate.

## **4. Sick pay**

### **4.1. Statutory sick pay**

Subject to compliance with the school's procedures, the school will pay statutory sick pay (SSP) to eligible employees at the national rate, which is subject to the deduction of tax and national insurance contributions.

SSP is payable from the fourth day of absence and up to 28 weeks.

To qualify for SSP, employees must complete and provide a self-certification form to the School.

### **4.2. Occupational sick pay**

Subject to compliance with the school's procedures, the school will pay occupational sick pay.

Eligibility for occupational sick pay including duration and level of payment, is in accordance with the relevant conditions of service.

## **5. Personal medical appointments**

The school will allow reasonable time-off where appointments are unable to be scheduled outside of working hours. Ordinarily time off for such meetings is unpaid unless discretion is applied by the Headteacher/Line Manager.

Before arranging non-urgent medical appointments, employees should seek approval from their line manager and should endeavour to arrange appointments at the beginning or end of the day, or during lunchtime, to minimise the time they have to be absent from work. Evidence of the appointment may be requested by the school.

## **6. Notification requirements**

### **6.1. First day of absence**

It is a requirement that employees telephone their line manager or other nominated appropriate person to report that they are too unwell to come to work. The employee should aim to do this as early as possible and before their normal start time.

In circumstances where the employee is incapacitated or unable to contact the school to report their absence, their next of kin should do so on their behalf, at the earliest opportunity.

A failure to report an absence in accordance with the schools process could be constituted as a breach of policy and reporting requirements. This may result in sick pay being withheld and it should be noted that there is no obligation to reinstate pay in such cases.

## **6.2. Ongoing absence**

For each subsequent sick day after the first day of absence, the employee should telephone their line manager as early as possible and before their normal start time. However, managers should use their discretion and can agree different arrangements as appropriate.

A failure to report ongoing absence in accordance with arrangements agreed with a line manager, could be constituted as a breach of policy and reporting requirements. This may result in sick pay being withheld and it should be noted that there is no obligation to reinstate pay in such cases.

## **7. Certification requirements**

### **7.1. Absence up to 7 days**

Employees are permitted to self-certificate for any absence up to 7 days (calendar, inclusive of bank holidays).

A copy of the complete self-certification form should be provided to the school upon a return to work in order for sick pay to be processed.

Unless specifically requested, employees are not required to provide a statement of fitness for work i.e. 'doctors fit note', for absences up to 7 days.

### **7.2. Absence over 7 days**

Where sickness absence lasts longer than 7 calendar days, medical evidence is required in the form of a 'fit note' and should cover the duration of the absence.

If a fit note expires and the employee is not well enough to return to work, the employee should obtain a further fit note to ensure their absence is certified and should provide it to the School at the earliest opportunity.

A failure to maintain certification in the form of a fit note for the period of absence may constitute a breach of policy and reporting requirements. This may result in sick pay being withheld and it should be noted that there is no obligation to reinstate pay in such cases. Should any employee become aware that they are unlikely to be able to provide a new certificate in good time, they should ensure that this is reported to the school at the earliest opportunity, and in any case prior to the current note expiring, with information on when it should be expected.

The school reserves the right to require employees to obtain a fit note for absences of any duration. In circumstances where the employee incurs a cost for obtaining a fit note for an absence up to 7 days, the school will reimburse reasonable costs incurred.

### **7.3. Certification during non-term time**

Where an employee working Term Time Only is not fit to work on the last day of term, or half term, and is not fit for work on the first subsequent day of term time, a fit note is required to cover the holiday period.

### **7.4. Sickness during annual leave**

If an employee becomes unwell during annual leave and wishes to treat this as sick leave and reclaim annual leave, they will need to provide appropriate certification as per sections 7.1 and 7.2.

## **8. Maintaining Contact**

It is a requirement that a reasonable level contact is maintained during absence between employer and employee.

It is anticipated that at an early stage of the absence, arrangements will be made between employee and employer as to the frequency and form contact is to take.

A failure to maintain reasonable contact may be dealt with under the School's disciplinary policy.

## **9. Return to work following period of absence**

It is good practice for return to work meetings to be carried out when an employee returns to work after a period of absence. This will be carried out by the line manager or other appropriate person.

A record of the meeting should be made using the self-certification and return to work form. A copy of this form should be given to the employee and the original placed on the employee's personal record file.

The purpose of the meeting is to welcome the employee back to work and to clarify that the employee is fit to carry out the duties of their post. The meeting will also establish the reasons for the absence and highlight any additional support required. Any concerns regarding absence may be raised and measures identified to support the employee to improve attendance and help prevent its reoccurrence.

Employees should be made aware when they are near to reaching the schools trigger points and the potential implications of this.

## **10. Occupational health referral**

During any period of absence (short-term and long-term) or upon return to work, the school may require an employee to engage with an occupational health provider, to obtain medical advice into their health or into the reason for the absence.

Employees are expected to attend an appointment, co-operate with the occupational health professional and may be asked to provide consent for the release of medical information.

The line manager should discuss the contents of the referral directly with the employee before making a referral.

### **10.1. When to make a referral**

The school may consider making a referral in the following, non-exhaustive, circumstances:

- where it is anticipated or known that the absence is going to last four weeks or more (the absence need not have exceeded four weeks at the time of making the referral);
- where there is a concern over persistent short-term absence prior to or during an attendance improvement plan;
- where a trigger point is met, unless a referral has already been undertaken recently;
- where there is a concern of any nature where there appears to be an underlying medical condition;

- when an employee has been absent with, or appears to be suffering from, mental health issues (i.e. stress, anxiety, depression); or
- where there are concerns about an employee's health and/or safety in the workplace and medical advice is required.

Referrals may not be necessary for routine procedures which require a fixed period of convalescence, unless complications arise.

## **10.2. Occupational health recommendations**

The recommendations contained within a report from an occupational health provider are advisory.

The report may contain recommendations of support and reasonable adjustments including a phased return to work or temporary or permanent adjustments to an employee's role. The report should be discussed with the employee and the school should decide whether recommendations are reasonable, sustainable and can be implemented.

In the event that the employee is unable to fulfil the role, retirement or termination of employment on ill health grounds may be considered.

## **11. Informal and formal absence management procedures**

The management of absence is based on the principle that, whilst absence due to ill health will not usually be the fault of an employee, there may come a point where the employee is deemed incapable of undertaking the role they were employed to do.

The point at which a manager decides to move an employee to the formal process will vary from case to case.

Timescales for each stage will depend on individual circumstances and some sickness absence issues may be dealt with over a longer or shorter period than others.

### **11.1. Right to be accompanied**

The employee has the right to be accompanied at a formal meeting by a trade union representative or appropriate work colleague.

The employee should provide the name of the companion within 3 working days of the meeting. Where the chosen companion is unavailable on the day scheduled for the meeting, the employee may request the meeting is rescheduled within 5 working days of the original date. If the employee is unable to attend the meeting in this timeframe, the meeting may take place in a timeframe at the discretion of the school. If the companion remains unavailable, the employee may be asked to choose another companion.

There is no right to be accompanied at informal meetings. This will only be permitted where it is deemed to be in the interests of an early resolution and where there are particular circumstances in which an employee needs additional support. In such cases an independent note-taker may also be present. In an informal meeting, a delay to allow the attendance of a companion is discretionary.

During the meeting the companion may put the employee's case forward and confer with the employee, they may not answer on the employee's behalf or address the attendees if the employee demonstrates they do not wish this.

## **11.2. Informal absence review meetings**

Informal absence review meetings should be arranged to gather information and discuss with the employee, the cause of the absence, anticipated return to work, fitness for duties, support and reasonable adjustments.

The employee should be advised of any sickness absence concerns and feedback should be constructive, with the emphasis being placed on finding ways to support the employee and improve attendance wherever possible. The employee should be given the opportunity to provide feedback and to respond to any questions from the manager.

An attendance improvement plan (AIP) may be an outcome of an informal meeting in cases of persistent short term absence or a series of intermittent absences. An informal meeting will not result in any formal warnings being given to the employee.

## **11.3. Attendance improvement plans (AIP)**

An attendance improvement plan is a tool used to record the attendance level an employee will need to achieve. It is used to improve and maintain attendance to a level that is acceptable to the school. An AIP can be implemented in both informal and formal management procedures.

The tool can be used to re-align expectations around attendance standards, measure progress against those standards and put in place specific support mechanisms to ensure that a more consistent and effective level of employee attendance is achieved.

The AIP should give the employee adequate time to demonstrate attendance has improved in a sustainable manner and should include details of the support the employee will be offered to help them achieve improved attendance.

Throughout the review period, the employee's progress will be reviewed to assess if any further action and/or support is required. If the employee's attendance levels have not improved to an acceptable standard within the period agreed, consideration will be given to the management of the absence moving forward, including escalating the process to the formal stage.

## **11.4. Formal meetings**

If an employee's absence is of concern or informal action has not succeeded in improving attendance to an acceptable level, consideration will be given to whether there are grounds for undertaking formal action. The formal process can be applied to cases of frequent short-term and long-term sickness absence.

The purpose of the formal process will be to give an employee support to help them to achieve the expected attendance levels. If improvement is not made or maintained, formal sanctions may be issued to manage the absence and communicate expectations.

At the meeting the employee will be given the chance to state their case and raise any factors they wish to have considered.

At every stage of the formal absence management procedure, the employee will:

- be given advance notice of any formal meeting in writing;
- be advised in writing of the nature of the attendance concerns;



- have the right to be accompanied by their professional association/ trade union representative or appropriate work colleague; and
- have a right of appeal against any decision made.

Employees should make all reasonable efforts to attend meetings convened under this policy. If the employee fails to attend without good reason or is persistently unable to attend due to health issues, a meeting may be convened and a decision taken based on the available evidence in the absence of the employee.

#### **11.4.1. Formal meeting conversation**

The following matters, depending on the nature of the case, can be discussed during formal meetings:

- circumstances of the absence and actions taken to date, including a summary of absence records to date;
- the reason for the absence, how much longer it is likely to persist and if the employee will be able to return to their job;
- the operational impact of the absence;
- the contents of any occupational health reports and/ or medical evidence and whether there is a requirement for further occupational health input;
- attendance improvement plans and whether the targets were met;
- relevant issues or representations raised by the employee;
- grounds for concern and appropriate action;
- reasonable adjustments and/or re-deployment;
- if the ongoing absence could result in termination this should be disclosed;
- timescale for further meetings; or
- any other reasonable areas for discussion.

#### **11.5. Formal meeting outcomes**

Formal meetings will adjourn for those hearing the case to consider whether a sanction should be issued to the employee. The outcome can either be communicated to the employee after the adjournment on the same day, or alternatively, the employee can be written to and informed of the outcome, if the duration of the adjournment is likely to be lengthy.

The type of sanction issued will be based on the specifics of the absence case. A series of warnings are not fault based sanctions for absence but an indication that ongoing absence could result in the termination of employment.

The outcomes of a formal meeting can include:

- first written warning and/or an attendance improvement plan;
- final written warning and/ or an attendance improvement plan;
- Dismissal: where the employee has been issued with formal first and final written warnings and continues to be unable to exercise their duties; or

- Dismissal: where the employee has not been issued with a first or final written warning but is unable to exercise their duties due to a long term absence. Prior to a dismissal of this nature the school should have considered:
  - if the employee has been absent on a long-term basis
  - if the school has allowed for a reasonable period of recovery
  - if medical advice has been sought and considered
  - if a return to work in the short-term is unlikely
  - if there are reasonable adjustments that would enable the employee to return to work
  - if the school can demonstrate they cannot sustain a longer period of absence

### **11.6. Duration of warnings**

In circumstances where a warning is issued, it will be 'live' for a period of 12 months, unless the employee is notified otherwise.

### **11.7. Appeal**

The employee has the right to appeal against any formal sanction. To exercise this right they must write to the person specified clearly stating the grounds for appeal, within 7 days from receipt of the letter.

An appeal will be heard by an appropriate person who was not involved in the original meeting.

At the discretion of the school, the appeal will be a rehearing or a review of the original decision.

New evidence will only be considered if relevant and there is sufficient reason why this was not referenced earlier.

## **12. Ill health retirement**

Ill health retirement can be considered before the decision is taken to terminate employment. The option for ill-health retirement is subject to meeting the eligibility criteria set out by the relevant pension provider and advice should be sought from occupational health.

For non-teaching staff, in some circumstances it may be possible to mutually agree a date that employment will end avoiding the need for a formal hearing.