

# Attendance Management Policy

The school is committed to improving the health, wellbeing and attendance of all employees and value the contribution our employees make to our success, therefore, when any employee is unable to be at work for any reason, we miss that contribution.

This policy explains the process the school will follow when absence occurs, the support available to employees and headteacher and the ways in which we will work to reduce levels of absence.

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Where the headteacher is the employee concerned, any reference to the headteacher in this policy should be replaced with the chair of governors.

## 1 Principles and responsibilities

This policy is part of the school's overall strategy to promote the health and wellbeing of employees and the school recognise that good management practice can have a positive impact on employees. Regular attendance is an implied term of every employee's contract of employment and we ask each employee to take responsibility for achieving and maintaining good attendance. Good attendance is valued and we will take every opportunity to recognise and acknowledge such attendance e.g. through performance appraisals, 1-2-1s etc.

The school is committed to ensuring that all sickness absence is addressed in a way that is fair, non-discriminatory and in accordance with the Equality Act 2010. This policy provides a framework to help the school manage attendance in a consistent way, whilst also adopting a supportive and confidential approach.

### 1.1 Headteacher responsibilities

Headteachers are responsible for managing attendance, with appropriate guidance from the HR Advice and Support Team and the Occupational Health Service (OHS). The Headteacher can delegate this responsibility to another member of staff but the Headteacher is ultimately responsible for managing attendance.

They are expected to:

- Participate in training on attendance management
- Ensure employees understand the importance of good attendance and the impact of sickness absence
- Regularly monitor sickness absence so that appropriate action can be undertaken promptly
- Ensure that employees are aware of and familiar with this policy and understand their responsibilities in relation to sickness absence

- Ensure information is recorded on MyView as close to the absence date as possible to avoid salary implications
- Maintain regular contact with absent employees
- Undertake a return to work interview after every period of sickness absences and attendance management interviews, as necessary, using appropriate paperwork
- Identify and offer support, where appropriate, to facilitate an employee's attendance
- Have regard for and ensure compliance with Health and Safety at Work
- Take appropriate action in cases of work-related stress, in line with this policy and the Mental Wellbeing Policy
- Facilitate early, local interventions to support a return to work or ongoing attendance at work
- Utilise specialist support services where appropriate e.g. OHS
- Ensure the fair and consistent application of this policy.

## **1.2 Employee responsibilities**

Employees have a duty, under their terms and conditions of employment, to attend work and failure to comply with this policy could result in the withholding of pay and potential disciplinary action.

When employees are unable to attend work due to ill health, they must:

- Notify their headteacher, or agreed alternative contact, of sickness absences by telephone (not email or text), before their usual start time/prior to the start of their shift
- Notify their headteacher if they become sick during the working day. If this results in the employee having to leave the workplace, they must speak to their headteacher, or agree alternative contact, prior to doing so
- Maintain frequent contact with their headteacher during their sickness absence (frequency should be agreed)
- Participate in attendance management and return to work interviews
- Attend appointments with OHS, as required
- Comply with their responsibilities in relation to health and safety at work, including those under corporate health and safety codes of practice
- Ensure that they seek and receive medical advice and treatment to maintain attendance or facilitate a return to work
- Advise their headteacher of the potential effect of any medication they are using may have on their capability in the workplace
- Not undertake any activities outside of work which may be incompatible with their illness or that may delay their recovery
- Contact their headteacher if they wish to request to take annual leave during a period of sickness absence
- Provide a fit note for absences where required to do so
- Inform the headteacher if they consider workplace practices are causing or exacerbating their sickness levels
- Notify their headteacher if they consider they are affected by a disability or any medical condition that affects their ability to undertake their work

## **2 Absence procedure**

All employees who are absent from work must notify their headteacher by telephone, not email or text, as soon as possible prior to their scheduled start time. If the headteacher is not available, the employee should contact the deputy headteacher or the agreed alternative contact. The employee

should explain the nature of their illness, the likely duration of their absence and highlight any work that requires urgent attention.

In exceptional circumstances, where an employee is genuinely unable to telephone personally e.g. due to hospitalisation, they should arrange for someone to contact their headteacher on their behalf as soon as possible.

## 2.1 Certification

An employee can self-certify a sickness absence of 7 calendar days or less. The return to work declaration form service as the self-certification document and must be completed with the headteacher during their return to work interview.

Employees who are absent for more than 7 consecutive calendar days (regardless of whether these were working days), must provide a fit note to certify the absence as soon as possible. On the fit note, the medical professional will advise if the individual is:

- **Not fit for work:** the medical professional has assessed that they have a health condition that prevents them from working for the stated period of time and the individual should refrain from work
- **May be fit for work, taking into account the following advice:** the medical professional has assessed that the employee has a condition that does not necessarily prevent them from returning to work, if suitable support is available. They will indicate on the fit note what kind of support may benefit the employee e.g. amended duties, workplace adaptations, phased return, altered hours and the period of time that this will be the case.

## 2.2 Return to work interview

A return to work interview will take place after every period of sickness absence, irrespective of the length of absence. Ideally, this will take place on the first day the employee returns to work but if that is not possible, it should usually be held no later than 3 working days after the return.

The date the employee returns to work should be recorded on MyView as soon as possible to prevent any salary implications. Where there is a delay in updating such information, advice should be sought from the Payroll and Employee Services team.

## 3 Managing attendance

### 3.1 Trigger points

After each employee absence, the headteacher should consider the employee's overall attendance record to determine whether the following trigger points have been reached:

- Two absences in 3 months
- Ten working days in a rolling year (pro-rata for part time employees working less than 5 days per week)
- Where the pattern or nature of absence is giving rise for concern

All employees are expected to maintain attendance consistently below the trigger points and the headteacher will convene an attendance management interview if any of the above are reached.

## **3.2 Short term absence**

When an employee hits the trigger points as a result of short term absences, the headteacher will arrange an attendance management interview (AMI) with the employee to discuss their attendance and put in place appropriate targets and support, to help the employee improve their attendance. The employee should usually be given 5 working days' notice of AMI meetings.

If the employee fails to meet the target set, a subsequent stage interview will be held. The employee should be informed that the first target has been failed and a second target is to be set. This discussion should be clearly documented on the AMI form. Any further support required in maintaining attendance should also be discussed and documented.

If the employee fails a second target a further subsequent AMI should be arranged to inform the employee that they have failed two targets and refer to a first short term attendance management hearing, where HR will be present.

If the attendance does not improve to the target set at the first short-term attendance management hearing, the employee will be invited to a subsequent short-term attendance management hearing (where HR will be present) with governors for consideration of the sustainability of absences, where a sanction up to dismissal may be given.

## **3.3 Long term absence**

Absence is considered to be long term where the period of absence exceeds 4 weeks or where short term absences are attributed to an underlying medical cause or disability.

During a period of long term absence, the headteacher will meet with the employee every 4-6 weeks at an AMI to discuss updates to their health and potential return to work dates. The headteacher will discuss support options and engage the OHS for advice to assist the employee to make a healthy return to work at the earliest opportunity.

Before the employee reaches 6 months of continuous or aggregated absence, the headteacher will consider whether the absence can be sustained. The employee will be referred to OHS prior to the final stage interview and they will prepare a report which will offer an opinion as to whether enrolment onto the redeployment scheme is appropriate (where applicable).

At the final stage AMI interview, consideration should be given to all medical advice received. Where all reasonable options of a return to work have been exhausted and/or a return to work not achieved or the timescale for recovery is too long for the school to sustain, the employee will progress to a long term attendance management hearing with governors.

In exceptional circumstances, where it is clear at the outset of an absence that the reason for absence is such that a return to work will not be possible, consideration will be given as to how to bring the employment to an end earlier than the 6 month continuous or aggregate period.

## **3.4 Short and long term absence**

An employee's sickness absence may involve periods of both long term and short term absence and, in such cases, action will be taken with regard to both types of absence during regular attendance management interviews.

- Support and adjustments will be considered and provided in relation to any underlying health condition, but the employee still must provide regular and sustained attendance;
- Attendance targets can be set for short term absences where they are not attributed to an underlying medical issue;

- The sustainability and cumulative impact on service delivery of both types of absence will be considered where it is becoming unsustainable.

In exceptional circumstances where it is clear at the outset of an absence that the reason for absence is such that a return to work will not be possible, considerations will be given as to how to bring the employment to an end earlier than the 6 month continuous or aggregate period. This should be discussed with HR Advice and Support.

### **3.5 Absence due to maternity or disability**

Absences directly related to a disability should be identified separately to other absences for recording purposes, however the AMI process still needs to be conducted, and AMIs held. Disability related absences should not be included for the purposes of target setting and will be managed through the long-term attendance management process.

Absences directly related to a women's pregnancy should be identified separately to other absences for recording purposes. However, AMIs should still be held and the absence should continue to be monitored and the headteacher must contact the HR Advice and Support Team to discuss individual circumstances. Pregnancy related absences should not be included for the purposes of target setting and should be managed through the long-term attendance management process.

### **3.6 Terminal illness**

The school is committed to supporting employees who are diagnosed with a terminal illness. Any such cases should be discussed with HR Advice and Support for consideration of options and what may be best for the employee in their individual circumstances.

### **3.7 Pay in lieu of notice**

If a dismissal takes place and the employee requests to waive their rights to the contractual period of notice and/or statutory minimum period of notice, required by section 86 of the Employment Rights Act 1996, this will be considered by the school and a termination date can be mutually agreed with the employee and the headteacher.

The employee would then be paid their entitlement in lieu of notice, which would be subject to usual tax and NI deductions.

### **3.8 Phased return to work**

A phased return to work is when an employee who has been absent agrees with their Headteacher to stagger their return to work to enable them to adjust to being back at work. It usually occurs after a long term absence and as a result of a recommendation by a health practitioner on their fit note or via the OHS.

A phased return usually takes place over a 1-4 week period and involves light duties or modified workload. In exceptional circumstances, the phased return may be extended up to a maximum of 6 weeks, however HR advice should be obtained before agreeing to this.

Information about how an employee will be paid during a phased return to work can be found in section 4.3.

## 4 Pay during sickness absence

Employees will be paid in line with the appropriate terms and conditions, as detailed below, during periods of sickness absence.

If an employee carries out activities inconsistent with their stated reasons for sickness absence, engages in something that worsens their illness or prolongs their absence, the school reserves the right to stop statutory sick pay (SSP) and/or occupational sick pay (OSP). This may also lead to disciplinary action.

Employees who are not entitled to or have exhausted their entitlement to statutory sick pay (SSP) may be eligible for state benefit. A form SSP1 is required by the employee in order to claim sickness benefit. The Payroll and Employee Services team will send this to the employee automatically prior to the end of their SSP entitlement.

### 4.1 Teaching staff

Teachers who are absent due to illness will be paid in accordance with the national sick pay entitlements set out in the Burgundy Book, as detailed below:

Year of service	Pay entitlement
During 1 <sup>st</sup> year of service	Full pay for 25 working days, and after completing 4 calendar months service, half pay for 50 working days
During 2 <sup>nd</sup> year of service	Full pay for 50 working days and half pay for 50 working days
During 3 <sup>rd</sup> year of service	Full pay for 75 working days and half pay for 75 working days
During 4 <sup>th</sup> year of service and successive years	Full pay for 100 working days and half pay for 100 working days

For the purpose of this scheme, “working days” means teaching and non-teaching days within “directed time”, as specified under paragraph 40 of the School Teachers’ Pay and Conditions Document.

For the purpose of calculating a teacher’s entitlement during a year, the sick leave year is deemed to begin on 1st April and end on 31st March of the following year.

### 4.2 Support staff

Support staff who are absent due to illness will be paid in accordance with the national sick pay entitlements set out in the Green Book, as detailed below:

Year of service	Pay entitlement
During 1 <sup>st</sup> year of service	Full pay for 1 month, and after completing 4 months’ service, half pay for 2 months
During 2 <sup>nd</sup> year of service	Full pay for 2 months and half pay for 2 months

During 3 <sup>rd</sup> year of service	Full pay for 4 months and half pay for 4 months
During 4 <sup>th</sup> and 5 <sup>th</sup> year of service	Full pay for 5 months and half pay for 5 months
After 5 years' service	Full pay for 6 months and half pay for 6 months

Sickness payments for support staff are calculated by aggregating the periods of absence (inclusive of first day) due to sickness during the previous 12 month period.

### 4.3 Pay during phased return

During a period of reduced hours, an employee's pay will reflect either the hours worked during the phased return or what they would have received through sick pay, whichever is the greater.

Sick pay entitlement	Pay during phased return
Full pay	Full pay, irrespective of hours worked
Half pay	Half pay, if working less than 50% of contracted hours Paid for hours worked, if working more than 50% of contracted hours
No pay	Paid for hours worked

If the employee is in a period of reduced pay, they can elect to use some of their annual leave entitlement to supplement the hours they are working, where applicable.

Payroll and Employee Services should be informed of any agreed phased return via email to [pesschools@durham.gov.uk](mailto:pesschools@durham.gov.uk).

## 5 Annual leave and sickness absence

Employees who have an annual leave allowance i.e. whole time employees, can take annual leave during a period of sick leave by making a request for annual leave to their headteacher providing appropriate notice. The period of annual leave taken will then be deducted from the employee's annual leave entitlement, as they would be unavailable during the period of leave to attend any work meetings, or meetings in relation to their sickness absence.

The employee's request must be supported by medical evidence stating that the holiday would not be detrimental to their recovery.

Where an employee falls sick during a period of pre-booked annual leave or on a bank holiday that they were not due to work, they are entitled to claim the leave and/or bank holiday back and take it at another time.

In order to do this, the employee must follow the normal sickness absence reporting procedures and provide a valid fit note covering the period. A fit note will be required, even where the absence is for less than seven days, and the employee will be liable for any charge for providing this.

Employees who are absent over consecutive annual leave years only have the right to carry forward untaken leave from their statutory annual leave allowance i.e. 28 days (including bank holidays), pro rata for part time employees.

## **6 Support**

### **6.1 Right to be accompanied**

Employees have a statutory right to be accompanied by a work colleague, a recognised trade union representative or an official employed by the trade union at any AMI or hearing and any subsequent appeal. A trade union representative who is not an employed official must have been reasonably certified by their unions as being competent to accompany the employee.

An employee may ask an official from any trade union to accompany them regardless of whether the trade union is recognised. The individual accompanying the employee must not be someone whose presence would prejudice the hearing or who might have a conflict of interest. If an employee makes any request to be accompanied by a legal representative at an attendance management hearing, advice should be sought from the HR Advice and Support team before any decision is made regarding their request.

The employee's recognised representative may play a full part in any meeting or hearing, including addressing the meeting to present and sum up the employee's case, responding on behalf of the employee to any view expressed, asking questions of witnesses, summing up the employee's case and conferring with the employee. They should not, however, answer questions that are put to the employee.

### **6.2 Access to work**

Access to Work is a publicly funded employment support programme that aims to help more disabled people start or stay in work. It can provide practical and financial support for employees who have a disability or long term physical or mental health.

If an employee has a disability, health or mental health condition that is likely to last for 12 months or more, Access to Work can give them and their employer advice and support with extra costs which may arise because of specific needs. For example, Access to Work might pay towards a support worker or equipment needed at work or pay towards the cost of travel to and from work if the employee cannot use public transport.

The amount of financial help received from Access to Work will vary depending on length of employment and what type of support is needed. A new starter with specific needs should contact Access to Work within their first 6 weeks of employment, as it may be able to pay up to 100% of any approved costs.

The employee must make a self-referral, as the employer cannot initiate it. Access to Work will ask for a named contact in addition to the employee and ideally this should be the employee's headteacher.

For more information and details on whether you would be eligible and how to apply, please visit [www.gov.uk/access-to-work/overview](http://www.gov.uk/access-to-work/overview).



## **6.3 Mental wellbeing**

Where an employee feels they are suffering from stress, advice can be sought by the headteacher from the HR Advice and Support team if required.

Where work related ill-health, such as 'physical' or 'psychological' stress, is communicated to headteachers as being the cause of an employee's sickness absence, the headteacher must complete an accident/incident report form on the extranet (available via the health and safety page). Where stress is considered the cause of an employee's sick absence, but is not considered work-related, this sickness absence should not be recorded on the accident/ incident form but noted in then normal manner for sickness absence.

The Mental Wellbeing Policy is available on the extranet.

## **7 Exclusions to the attendance management policy**

The following appointments are not classed as sickness absence for the purpose of the attendance management policy:

- GP appointments
- Dental appointments
- Hospital appointments
- Any form of absence that is not related to the sickness of the employee.

It is expected that the employee will take reasonable steps to make these appointments either entirely outside of the working day, or if that is not possible at a time that causes least disruption to the workplace, e.g. at the start or end of their working day/shift. Paid time to attend these appointments will only usually be given where the appointment is directly linked to an employee's condition that is covered by the Equality Act 2010. Employees should request any time off during the working day via the leave of absence policy.

## **8 Appeal**

An employee who is dismissed under this policy can appeal the decision by following the Appeal Policy which is available on the extranet.

This brings an end to the formal procedure.



This policy has been developed by the HR Advice and Support team, based on current legislation and best practice. If you would like any advice on the application of this policy, please do not hesitate to contact the team:

<b>Telephone</b>	03000 266688
<b>Email</b>	hradvice@durham.gov.uk

**Further support can be accessed by contacting (subject to SLA buy in):**

<b>Payroll and Employee Services</b>	<a href="mailto:pesschools@durham.gov.uk">pesschools@durham.gov.uk</a>
<b>Occupational Health</b>	<a href="mailto:occhealthadmin@durham.gov.uk">occhealthadmin@durham.gov.uk</a>
<b>Health and Safety</b>	<a href="mailto:hsteam@durham.gov.uk">hsteam@durham.gov.uk</a>
<b>Employee Assistance Programme</b>	<a href="http://www.healthassuredeap.com">www.healthassuredeap.com</a> Username: durham Password: council 0800 716017

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The school complies with all relevant statutory obligations. The school privacy notice provides more specific information on data collected and how it is handled, a copy of which can be accessed from the school. For more information please contact the school directly.

If you have any concerns about how your data is handled, please contact either the school Data Protection Officer (details available from the school office), or the Information Commissioner's Office.