

Attendance Management (Staff) Policy

Version	4.0
Approved By	Trustee Board
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REVIEW HISTORY

VERSION NO.	DATE OF CHANGE	CHANGE SUMMARY	PAGE NO.
1.0	24.6.20		
2.0	12.09.22	Updated in new brand. Updated in line with Scheme of Delegation. Checked by employment lawyer with no recommended changes.	
3.0	13.02.24	Minor amendments Updated section 8.1 regarding phased return to work	5
4.0	27.02.25	Minor amendments Updated section 8.1 regarding pay entitlement during phased return to work	5

This policy applies to all staff employed by OAK Multi Academy Trust.

In accordance with the Trust's Scheme of Delegation and Articles of Association, application of this policy is devolved to individual schools within the Trust, unless otherwise stated.

The constitution of formal panels will be determined by the Trust's Scheme of Delegation.

This policy does not form part of employees' terms and conditions of employment and therefore may be subject to change at the discretion of the Trust.

Data will be processed to be in line with the requirements and protections set out in the UK General Data Protection Regulation.

1. Purpose

- 1.1 The purpose of this policy is to provide a supportive framework to assist employees to improve and maintain the required level of attendance expected where a shortfall in attendance has been identified. Where satisfactory levels of attendance are not achieved, this document outlines the process that should be followed to ensure that employees continue to be supported to make the necessary improvements before dismissal is considered.
- 1.2 The Trust recognises the importance of managing attendance in a fair and consistent manner.
- 1.3 All absences will be consistently reported, recorded, monitored, and analysed on an ongoing basis, both at school and Trust level to identify problems, review individual cases and decide upon any appropriate action.

2. Application of the Policy

- 2.1 The attendance of teaching and support staff will be managed by either the Headteacher or Line Manager. The attendance of the Central Team will be managed by their line manager or Trust Central HR.
- 2.2 If the Headteacher's attendance is being managed in line with this policy, the CEO will be responsible for overseeing the application of this policy with support from the Trust People Manager.
- 2.3 Where an employee makes satisfactory improvement in their attendance, they will be expected to maintain this improvement. Where the improvement is not sustained, the

attendance process will recommence at the stage where the employee was being managed previously, e.g. an employee, who was advised at the Formal Review meeting that they had achieved a satisfactory level of attendance, who subsequently has period of sickness absence within the following 12 months, may return to the Formal Review Meeting stage.

3. Employees Obligations:

3.1 Employees are expected to:

- Comply with the Trust's sickness notification procedure (see Section 4.1);
- Maintain regular communication with the school. A mutually convenient time for contact between the school and employee will be agreed from the outset of the absence;
- Keep the school informed of any significant developments affecting their condition/situation;
- Attend medical appointments and ensure that medical advice is followed;
- Engage with the Occupational Health Service, where requested, to allow the school to consider any necessary support required to facilitate a return to work;
- Ensure that appointments are attended outside of school hours whenever possible.

4. Reporting Sickness Absence

4.1 It is essential that employees follow the correct procedure for reporting absences:

OAK Trust Employee Sickness Absence Reporting Procedure:

- Employees must notify the Headteacher or the school's or Central Team's nominated member of staff by 7.00am on the morning of each absence during the first 5 working days of absence (after which a Fit Note must be provided).
- Notification of absence must be made by telephone, or in exceptional circumstances, by text.
- The employee's next of kin may make the notification in exceptional circumstances only.

Failure to follow this notification procedure may lead to formal disciplinary action.

4.2 Once an employee has notified the school of their absence, arrangements to ensure regular contact is maintained between the employee and Headteacher/Line Manager should be put in place.

4.3 Employees who are absent for:

- Less than 7 calendar days must complete a self-certification form for their absence.
- 7 calendar days or more must provide a valid Fit Note from their GP/Consultant.

5. Additional Considerations

- 5.1 Consideration will be given as to whether an employee's level of attendance is due to a physical or mental disability or is pregnancy related and if so, what reasonable adjustments may be needed to assist the employee to reach the required level of attendance. If an underlying disability is suspected, an Occupational Health referral is usually required, and advice sought regarding reasonable adjustments. The Headteacher/Line Manager may seek further advice from Trust Central HR in such circumstances.
- 5.2 Absences relating to pregnancy will be kept separate from sickness absence records.

6. Return to Work Meetings

- 6.1 Where possible, return to work meetings will take place with the employee's Line Manager on the employee's first day back to work, regardless of the length of the absence. In many cases the meeting may be as brief as a quick chat to ensure that the employee is fit to return to work and welcome them back.
- 6.2 If the employee's Line Manager is absent at this time, responsibility for carrying out the return-to-work meeting should be passed to another manager.
- 6.3 The return-to-work form should be completed as soon as possible on an employee's return to work.
- 6.4 Where an employee may be approaching a trigger point (section 9.3), discussions should take place as to how the employee may be supported to reduce their level of absence.
- 6.5 As the return-to-work meeting is part of day-to-day management, the employee does not have the right to be accompanied.

7. Day -to-day Management

- 7.1 An effective absence management strategy requires consistent day-to-day line management and support of employees who are absent from work or whose attendance levels fall below the expectations of the school.

7.2 Where there are continuing concerns regarding an employee's attendance, it is essential the Headteacher/Line Manager will attempt to resolve these via day-to-day management/welfare meeting(s) to:

- Raise their concerns with the employee;
- Identify any underlying concerns and measures that the school could take to help;
- Agree a course of action and a reasonable period of review with the employee (suggest between 4 to 8 weeks);
- Ensure regular contact is maintained with the employee to address any issues that arise and ensure that any agreed actions remain relevant and up to date;
- Retain a record of all discussions held and support offered;
- Advise the employee that failure to achieve the necessary levels in attendance by the end of the review period may lead to formal processes being adopted;
- Encourage the employee to seek advice and guidance from their union representative.

7.3 At the end of the review period the Headteacher/Line Manager should discuss with the employee whether the targets for improvement have been achieved. Where progress is made, no further action will be required, however, employees must be informed that failure to maintain the level of attendance may result in the employee being managed under the formal stages of this policy (section 12).

7.4 Where an employee does not make sufficient improvement in their attendance, progression to a Formal Attendance Meeting will be considered (section 12).

8. Support Mechanisms

8.1 At any appropriate time when attendance issues have been identified, it may be appropriate to explore some, or all, of the support options below with the employee (this list is not exhaustive):

- a) Referral to Occupational Health to seek medical advice and opinion; .
- b) Therapeutic Return to Work to assist the employee to return to work on a planned and phased basis, usually following a medical recommendation.
 - This would be a gradual increase of working hours and/or duties over a maximum period of 4 weeks, depending on individual circumstances, and may be additionally extended by 2 weeks in exceptional circumstances only.
 - If the therapeutic return to work is during a period of full pay entitlement, the employee would continue to be paid at full pay.
 - If the therapeutic return to work is during a period of half pay entitlement, and the employee returns to their usual work but on reduced hours, they would be

paid their usual rate of pay for the hours worked and half pay for the remaining hours.

- If the therapeutic return to work is during a period of no pay entitlement and the employee returns to their usual work but on reduced hours, they would be paid their usual rate of pay for the hours worked.
- d) Reduction in hours on a temporary or permanent basis to assist the employee to return to work. Such arrangements must be mutually accommodated and agreed. The employee's contract of employment will then be changed accordingly.
- e) Ill Health Retirement may be an option, but in the first instance requires an Occupational Health referral. Before any ill health retirement is considered, please contact Trust Central HR for advice.
- f) Health and Safety Workplace Risk Assessment.

9. Persistent Intermittent Absence

- 9.1 Persistent intermittent sickness absence can be defined as frequent short-term absences from work that are normally sporadic and attributable to minor ailments, in many cases unconnected.
- 9.2 Such absences have a significant impact on the running of the school, its employees, and the pupils.
- 9.3 Triggers: Whilst each case of absence should be considered on an individual basis, the following triggers may lead to further investigation:
- Three or more periods of sickness absence in any 6-month period.
 - Any repeated levels of absence which show a trend or pattern e.g. Friday – Monday absences, monthly dates (e.g. last Friday of every month) and any other notable dates.
 - Repeated absences in a trend may result in the case being managed under the formal stages of this policy or where appropriate disciplinary action may be taken and/or loss of pay on the relevant dates.
- 9.4 Where, despite additional support being put in place, satisfactory improvement in attendance is not seen, it may be necessary to manage the employee under the formal stages of this policy (section 12).

10. Long term Absence

- 10.1 Long-term absence usually identified as period of absence of 4 weeks or more. It can normally be distinguished from persistent intermittent absence in that it tends to be

continuous and can usually be traced to an underlying medical condition.

10.2 In such cases, the school will engage with the employee to gain further medical information and advice on how the employee can be supported during their absence. The school will:

- Agree a course of action and a reasonable period of review with the employee (suggest between 4 to 8 weeks); in cases of long-term sickness absence, determining how long the absence is likely to last;
- Ensure regular contact is maintained with the employee to address any issues that arise and ensure that any agreed actions remain relevant and up to date;
- Retain a record of all discussions held and support offered; and
- Encourage the employee to seek advice and guidance from their union representative.

10.3 Where, despite additional support being put in place, a satisfactory improvement in attendance is not achieved, it may be necessary to manage the employee under the formal stages of this policy (section 12).

11. Fast Track to Attendance Hearing – Long term Absence

11.1 There will be occasions where, for example medical reports indicate that a return to work is not possible within a reasonable timescale or, an employee has a long-term health condition or terminal illness. In these circumstances the school will ensure that all avenues of support, including ill health retirement and redeployment have been exhausted. If this can be demonstrated, the formal procedures will commence at the Attendance Hearing stage (section 15).

12. Formal Attendance Management Meeting

12.1 Where there are continuing concerns regarding an employee's attendance, a Formal Attendance Management Meeting will be arranged. A minimum of 5 working days' notice will be given for this meeting.

12.2 The employee has the right to be accompanied by a work colleague or trade union representative.

12.3 At this meeting, the Headteacher/Line Manager, employee, and their representative will:

- Discuss the employee's ongoing absence and reasons for this and in cases of long-

term sickness absence, determining how long the absence is likely to last;

- Discuss what support has been put in place to date and whether additional support is required;
- Agree a formal improvement plan outlining the level of improvement required and a reasonable timescale for achievement (this is the review period); and
- The Headteacher/Line Manager will advise that failure to improve their level of attendance within the agreed timescale could result in a final warning being issued at the end of the review period.

12.4 A date for the Formal Review Meeting should be agreed which will be held at the end of the agreed review period.

12.5 The employee will receive written confirmation of the outcome of the meeting.

13. Formal Review Meeting

13.1 At the end of the review period the employee will be invited to a Formal Review Meeting. A minimum of 5 working days' notice will be given for this meeting. The employee will have the right to be accompanied by a work colleague or trade union representative. Both the person conducting the meeting and the employee will have an opportunity to present evidence to support their position.

13.2 The potential outcomes of the meeting are:

- a) The employee has made sufficient improvement; the attendance procedure may cease and day to day management/monitoring will recommence. Employees should be informed that if the improvement is not sustained for a period of 12 months the process may recommence at the Formal Review Meeting stage of this policy;
- b) If some progress has been made and more is required, it may be appropriate to extend the review period. For most cases, it will be appropriate to extend the review period just once after which a further Formal Review meeting will take place to review the employee's progress;
- c) If no, or insufficient, improvement has been made, the employee will:
 - Receive a **final written warning** which will remain on their file for 12 months;
 - Be informed in writing of the details of the Final Written Warning;
 - Be advised of their right to appeal against the warning;
 - Be informed that failure to achieve the required level of attendance by the next review may lead to an attendance hearing where the employee may be dismissed;

- Receive the revised formal attendance improvement plan with the outcome letter, detailing the level of improvement required, timescale for improvement and additional support mechanisms identified to assist the employee to return to work.

13.3 A date for a Final Review Meeting should be agreed which will be held at the end of the agreed review period.

14. Final Review Meeting

14.1 At the end of the review period, the employee will be invited to a Final Review Meeting. A minimum of 5 working days' notice will be given for this meeting and the employee will be informed of their right to be accompanied. Both the person conducting the meeting and the employee will have an opportunity to present evidence to support their position.

14.2 The potential outcomes of the meeting are:

- a) The employee has made sufficient improvement and the attendance procedure may cease and the day-to-day management of their attendance will recommence. However, if the improvement is not sustained for a period of 12 months the process may recommence at the Final Review Meeting stage of this policy;
- b) If some progress has been made and more is likely, it may be appropriate to extend the review period. In most cases, it will be appropriate to extend the review period just once, after which a further Final Review meeting will take place to review the employee's progress;
- c) If no, or insufficient, improvement has been made, the employee will be advised that a hearing will be convened to consider the case and that a potential outcome is dismissal. This will be confirmed in writing to the employee.

15. Attendance Hearing

15.1 A minimum of 5 working days' written notice will be given to attend a formal hearing in which the employee will be informed of the reasons for the hearing and their right to be accompanied by a work colleague or trade union representative. The letter must state that a potential outcome of the hearing is dismissal and enclose copies of relevant documentation intended to be referred to at the hearing. The employee will also be given an opportunity to present their case and provide evidence.

15.2 The potential outcomes of the hearing are:

- a) No further action is required;
- b) There is insufficient information available, on which to base a decision, or it is considered that all the support available has not been explored fully. Therefore, an extension will be agreed to the final formal review stage, with a further attendance improvement plan being implemented;
- c) If no, or insufficient, improvement has been made, the employee will be dismissed.

16. Dismissal

16.1 Dismissal will be with notice. The employee will be notified in writing of the outcome of the hearing, including the reason for the dismissal and date of termination of their employment. The letter will also include details of their right of appeal.

17. Appeal

17.1 All appeals will be held in line with the Trust's Appeal Policy.