

Staff Attendance Management Policy

Introduction.

This document is a statement of aims, principles and strategies for staff attendance management at Ambleside Primary School. It was developed during Autumn 2008. The purpose of this policy is to ensure a consistent approach to staff attendance. The policy will be approved at the Autumn Term 2008 meeting of the Full Governing Body. The implementation of the policy is the responsibility of all staff.

Aims

Through this policy we aim:

- To ensure that all staff are clear how attendance is managed
- Not to prohibit sickness absence, but to maintain good employee attendance levels
- To be supportive and to promote staff welfare

Role of the Head teacher and Governing Body

The Head teacher and governing body are responsible for the management of employee attendance. The governing body is committed to a proactive and positive approach to absence management which values and supports attendance. The governing body acknowledges, however, that absence will often be for legitimate and authorised reasons and will be supported by the school. In dealing with matters of individual absence, the governing body supports a flexible and understanding approach which is sensitive to the particular circumstances.

The governing body recognises that in certain areas the management of individual matters of ill-health and absence is governed by statutory provisions, particularly the :

- Education (Teachers' Qualifications and Health Standards) (England) Regulations 1999 (Statutory Instrument 2166/99)
- Disability Discrimination Act 1995
- Employment Rights Act 1996

The governing body is committed to ensuring that legislative and contractual requirements are met in the handling of all cases.

The health and welfare of all employees is vital to ensure high levels of attendance, the delivery of quality education and to minimise the disruption of pupils' education.

The Head teacher and Phase managers play key roles in promoting staff welfare, for example:

- creating a climate in which all employees feel valued;
- ensuring an open culture promoting open and honest discussion;

- providing training and development to ensure employees have the necessary skills to do their job;
- organising work to motivate staff and minimise undue stress;
- looking for signs that an employee may need help and supporting and offering this;
- ensuring all support is non gender bias;
- encouraging employees to support and help each other; and
- helping employees gain full advantage of the support available.

The governing body is committed to the exploration of alternative solutions to absence issues and only in appropriate cases, where the proper procedure has been applied, will the governing body exercise its authority to determine that an employee should cease to work at the school as a consequence of their absence. The governing body has overall responsibility for all staff dismissals in school, but the Head teacher will lead in all such dismissals.

Procedure for reporting unexpected absence

Staff must telephone the Head teacher on her mobile to report their absence and should also contact the office at school leaving a message. During the first day it is necessary to confirm how long the absence is likely to last, so that appropriate cover can be arranged.

Short-term persistent absence procedure

Short-term persistent absence can be defined as cases where an employee has regular periods of absence, usually on health grounds, interspersed by periods at work or where an employee has odd days off, reported as sickness but uncertified by a doctor. From the monitoring records, the absences may or may not reveal a pattern.

If an employee declares that they are absent through ill health, whether that absence is certified or not, it will be assumed that the illness is genuine. However, on-going persistent absences are a cause for concern. In extreme cases once this procedure has been followed an employee can be dismissed for persistent short-term sickness absence.

In managing short-term persistent absence a set procedure will be adopted (see flowchart in Appendix 1):

Triggers

In dealing with frequent short-term absence, it is important to determine what is an acceptable standard of attendance in school. Our school has adopted the following recommended trigger levels:

12 days (pro-rata for part-time employees) or 4 occasions within a rolling 12 month period (both self-certified absences and absences certified by a GP are counted towards the triggers).

Stage 1

Where an employee's level of sickness absence exceeds the trigger level s/he will be formally interviewed. The interview will be undertaken by the Head teacher.

The Head teacher will write to the employee inviting them to the meeting including a copy of their sickness absence record and detailing the reasons why this could result in formal action being taken. The employee will be given ten days notification of the meeting and be advised that they may be represented by a trade union representative or work colleague.

The meeting will seek to establish the facts, examine the employee's sickness record, look for patterns of absence or the causes of it and seek to resolve problems where possible. The Head teacher will discuss the support and guidance available to the employee and, as appropriate, ensure that the employee is made aware of the support available from Counsel Line and the Occupational Health Service.

The Head teacher may decide that a warning is not appropriate and a letter confirming this will be issued.

However, the Head teacher may decide to give the employee a formal written warning that, notwithstanding the reasons for the absence(s), particular effort is required to reduce the level of absence and failure to do so may ultimately lead to dismissal for capability, due to poor attendance.

The employee may appeal against the decision to a committee from the governing body within 10 working days.

Stage 2

The employee's absence will continue to be reviewed regularly and if attendance is satisfactory over a six-month period the warning will be considered to have lapsed and it will be treated as spent. The documentation will be removed from the employee's personal file. However, if the absence remains above the trigger level and there has been further absence after a first written warning has been given, the Head teacher will move to Stage 2 of the procedure.

In cases where an Occupational Health appointment has not already taken place the employee will be referred at this point (Appendix 2 – Occupational Health Referral Process). This is to obtain a qualified opinion on the employee's medical condition or establish if there is an underlying medical reason affecting the level of attendance. Following the appointment, a welfare meeting should be arranged to discuss the report, any issues that need to be addressed and any support that the school can put in place.

The Head teacher will write to the employee inviting them to a further formal meeting including a copy of their sickness absence record, and detailing the reasons why this could result in formal action being taken. The employee will be given ten days notification of the meeting and be advised that they may be represented by a trade union representative or colleague.

At the end of the interview the Head teacher will consider all the issues and may decide that a further warning is inappropriate.

However, the Head teacher may decide to give the employee a second formal written warning that if the absence(s) continue to be a source of concern and that, notwithstanding the reasons for the absence(s), particular effort is required to reduce the level of absence and that failure to do so may lead to dismissal on the grounds of capability due to poor attendance.

The employee may appeal against the warning to a committee from the governing body within 10 working days.

This second warning will remain in force for 12 months during which time the employee's attendance will be regularly reviewed. If the employee's sickness absence has reduced below

the trigger level after 6 months, the warning should be regarded as having reduced to the status of a first warning. If the employee's sickness absence remains below the trigger level after a further 6 months, the warning will be regarded as lapsed and it will be treated as spent. The documentation will be removed from the employee's personal file.

Stage 3: Consideration of Dismissal

The case will be reviewed regularly, around three monthly intervals and further action considered if the absence level remains above the trigger level and where there has been further absence after a second warning has been given.

The employee will be re-referred to the Occupational Health Service to obtain a qualified medical opinion on the employee's health before any consideration to dismiss is taken.

Based on the information the Head teacher may wish to refer the case to the Staff Dismissal Committee to consider the employee's employment.

The date of the hearing will be given, in writing to the employee as soon as possible and at least 10 days before the due date. The letter will detail the reasons why formal action could be taken.

The hearing will take place on a mutually convenient day and time. Where a trade union representative or work colleague cannot attend on the proposed date the hearing will be rearranged at a suitable time for all. Failure to arrange a mutually convenient date may result in the employee presenting a complaint to an employment tribunal.

The employee will be given the opportunity to send any written submission or evidence to the committee prior to the hearing. A copy of any submission should also be made available to the Head teacher. The Head teacher will submit the evidence in writing to the Staff Dismissal Committee with a copy to the employee. It is not for the Head teacher to make any recommendations for action, this is a decision for the Staff Dismissal Committee. The evidence must be sent at least 10 days before the date of the hearing.

The Hearing

The hearing will be conducted according to Appendix 3

Any decision of the Staff Dismissal Committee will be confirmed to the employee in writing within three working days

The Head teacher will provide written confirmation of the decision to the LEA.

If the decision is taken to terminate the employee's contract of employment the following action must be taken:

As the member of staff is employed by the LEA it must within a period of 10 working days either withdraw that person from the school or issue notification of termination of the employment contract. If a subsequent appeal reverses the dismissal decision, the withdrawal or termination notice must be rescinded. In cases where the LEA is entitled to terminate the contract without notice because of the conduct of the member of staff in question, any such termination may be rescinded if an appeal is upheld.

Stage 4 - Appeal Hearing

An employee has a right to appeal against any decision. The employee will be told that s/he has 10 working days from receipt of the letter confirming the decision. An appeal will be heard by the Dismissal Appeals Committee. The panel of governors should not have played any part in the disciplinary hearing itself. The number of governors should not be less than those that took the original decision and this will normally be three.

Long-term sickness absence procedure

Whilst each absence case must be viewed individually, a long-term absence may generally be considered to be a continuous absence of **four weeks or more**. It can usually be traced to an underlying condition or a specific reason.

The objective in any long-term absence is to assist the employee to recover and return to work. Every case is individual, but if an employee is unable to attend work for health reasons on a long-term basis Human Resources should be contacted for further advice.

The procedure for managing a long-term absence case is summarised in the flowchart in Appendix 4.

Keeping In Touch

Throughout the absence the school will keep in touch with the employee in order to offer any support and assistance and also to facilitate a return to work. This may be through the Head teacher or Line Manager although in some circumstances it may be more appropriate for it to be someone else, for example a work colleague or trade union representative. The frequency of contact will depend on the individual circumstances and it may be by phone, letter or personal visit. Some employees may request that the school does not contact them which will be respected, but further advice will be sought from Human Resources in these circumstances.

Considerations

After the first month of the absence the Head teacher / Line Manager will consider:

- contacting the employee again and making further enquiries regarding their health. Depending on the nature of their absence it may be appropriate to update them on work issues and happenings in school; and
- explore the likelihood of a return to work and the timescale.

As appropriate the Head teacher / Line Manager may:

- leave the situation as it is for a period but maintaining regular contact and regularly reviewing the situation; and
- refer the employee to the Occupational Health Physician for a medical examination for those cases where the absence is likely to continue in the longer term. Advice and arrangements for this can be made by Human Resources (Appendix 2).

The Head teacher / Line Manager will continue to provide support and explore ways of facilitating a return to school when the employee is fit to do so. In some cases and particularly those where the employee was referred to Occupational Health, a welfare visit will be arranged.

Phased Return To School

In long-term absence cases a phased return may be beneficial. The employee and Head teacher will meet, to devise a supportive return to work programme. This is normally for a limited period (up to 4 weeks) during which there will be regular reviews, the intention being that by the end the employee feels able to return to their substantive position.

Prior to a return to school the employee must be signed fit by their GP and a further referral to Occupational Health may be necessary. It is recommended that the employee receives full pay for the phased return although they are working less hours; this is because the phased return is a supportive measure to facilitate the return to normal duties.

Other considerations when planning the return may include reviewing responsibilities, duties, an agreed variation in contract or redeployment to another post within school.

Other Opportunities with the City Council

For a number of reasons the employee may feel that they cannot return to school and the medical advice is the same. In these circumstances it may be possible for Human Resources to help facilitate in the process of securing a further position with a Nottingham City Council school. There is no guarantee of employment and it is dependant on the employee being medically fit.

Ill Health Retirement

For Teachers

This process is summarised in Appendix 5 – Ill Health Retirement Applications – Summary of Arrangements.

If the teacher's application is not supported by Teachers' Pensions the school may wish to consider the teacher's continued employment on the grounds of capability.

For Support Staff

Support staff have similar access to ill health pensions through the Local Government Pension Scheme. The employee can be referred to the Occupational Health Adviser to confirm whether they meet the criteria for ill health retirement.

Formal Procedures

If the employee remains unfit to return to work or any strategies to support a return have failed then the situation will be reviewed again taking into consideration:

- the medical advice from Occupational Health;
- the impact of the absence on the school; and
- any other influencing factors.

In cases where it is likely that formal procedures will be followed, the Head teacher will:

- re-refer the employee to Occupational Health to ensure that there is up to date, relevant medical information; and

- arrange a welfare meeting with the employee to discuss the medical advice and warn them that due to the length of their absence the governors may wish to consider their capability to undertake their duties and as a result of this, their continued employment

These meetings will be attended by a member of staff from Human Resources. The employee will be given the opportunity to have a colleague or trade union representative in attendance.

Where the Head teacher wishes to pursue the formal procedures she will write to the employee inviting them to a hearing. This will be done as soon as possible and at least 10 days before the due date. The letter will also detail the reasons why formal action could be taken. The hearing will take place on a mutually convenient day and time. Where the trade union representative or work colleague cannot attend on the proposed date the hearing will be rearranged at a suitable time for all.

The employee will be given the opportunity to send any written submission or evidence to the committee prior to the hearing. A copy of any submission should also be made available to Head teacher. The Head teacher will submit the evidence in writing to the Staff Dismissal Committee with a copy to the employee. It is not for the Head teacher to make any recommendations for action, this is a decision for the Staff Dismissal Committee. The evidence must be sent at least 10 days before the date of the hearing.

The Hearing

The hearing will be conducted according to Appendix 5.

Any decision of the Head teacher/Staff Dismissal Committee must be confirmed to the employee in writing within three working days.

The Head teacher must provide written confirmation of the decision to the Local Authority (if appropriate).

If the decision is taken to terminate the employee's contract of employment the following action must be taken:

If the member of staff is employed by the Local Authority, it must within a period of 10 working days either withdraw that person from the school or issue notification of termination of the employment contract. If a subsequent appeal reverses the dismissal decision the withdrawal or termination notice must be rescinded. In cases where the Local Authority is entitled to terminate the contract without notice because of the conduct of the member of staff in question, any such termination may be rescinded if an appeal is upheld.

Appeal

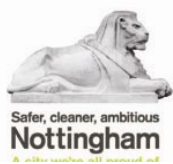
An employee has a right to appeal against any decision. The employee will be told that she/he has 10 working days from receipt of the letter confirming the decision. An appeal will be heard by the Dismissal Appeals Committee - a panel of governors who have played no part in the disciplinary hearing itself. The number of governors should not be less than those that took the original decision and this will normally be three. The procedure for hearing an appeal will be the same as that for the disciplinary hearing itself. There is no further right of appeal other than to an Employment Tribunal. The chair of the Dismissal Appeals Committee should write to the employee with the decision of the committee

Racial Equality & Equal Opportunities Statement

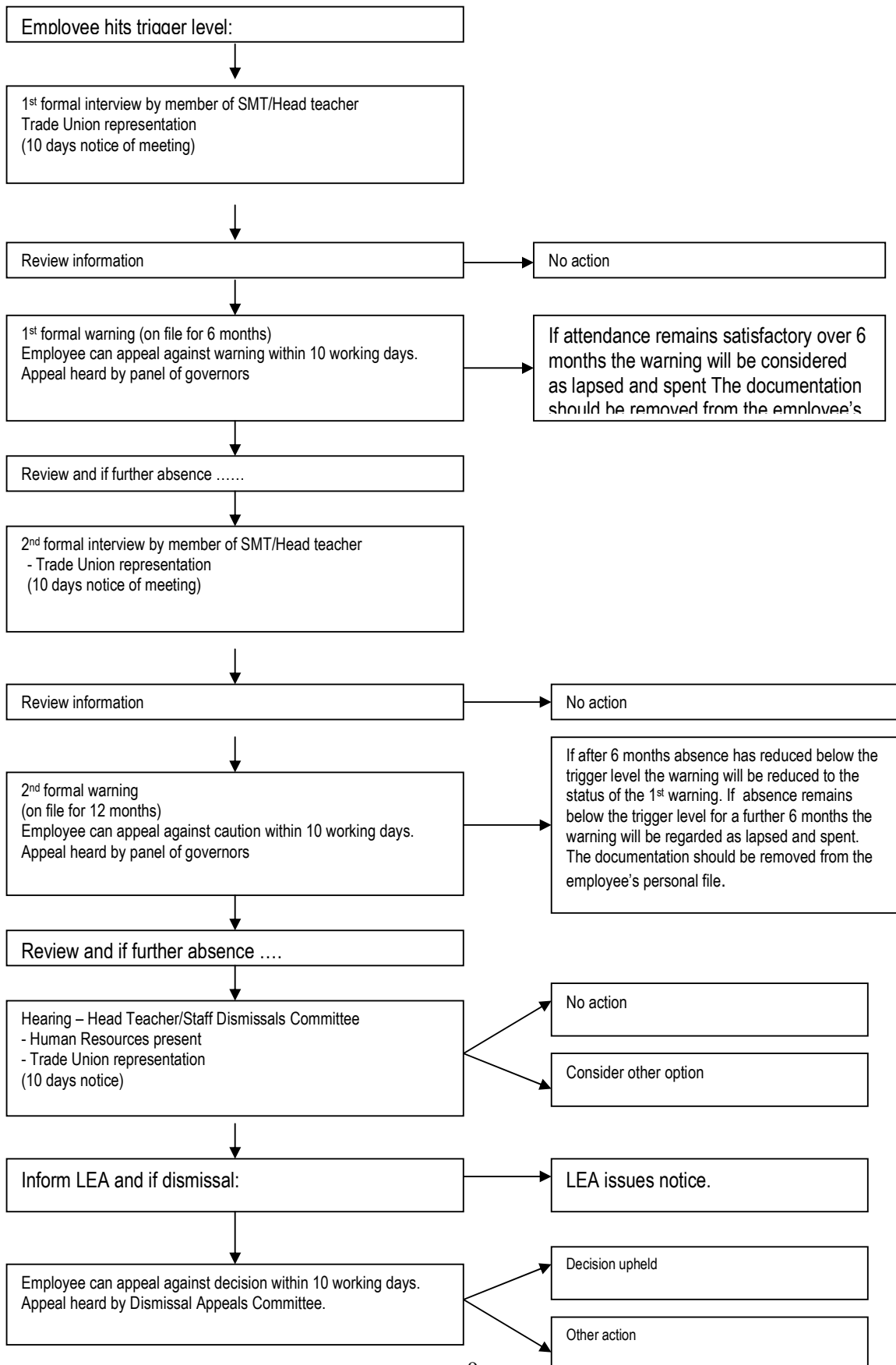
All staff have equal access and inclusive rights to their work regardless of their gender, sexual orientation, race, disability or ability. Ambleside Primary School is committed to creating a positive climate that will enable everyone to work free from racial intimidation and harassment and to achieve their full potential.

Review

This policy will be reviewed in the Autumn term 2012.



APPENDIX 1
Flowchart for Short-Term Sickness Absence



Occupational Health Referral Process

Referrals to Occupational Health are arranged by Human Resources. The cost of the appointment and any charge for GP or consultant reports are met by the school.

Procedure

The following information must be provided to Human Resources:

- Name
- Address
- Job title
- Date of birth
- First date of continuous service
- Sickness record over the past two years (dates and reasons)
- Reasons for the referral
- Any specific issues which the doctor should address.

It is also helpful to attach information such as job descriptions, recent medical certificates and any other relevant details e.g. support that has already been offered.

The school must discuss the referral with the employee.

Human Resources will liaise with Occupational Health who in turn will provide the employee with the details of the appointment and information on the Access to Medical Records Act 1988 – this gives the employee the right to have sight of any report supplied by the doctor.

If the doctor wishes to approach an employee's GP s/he will be asked to sign a consent form at the appointment.

The Head teacher should discuss the referral with the employee so that they are aware of the appointment. Where an employee refuses to co-operate in providing medical advice or to undergo a medical examination, they should be reminded of the requirements under their Conditions of Service (concerning the need to be medically fit to undertake your duties) and be informed, in writing, that any decision relating to their situation will be taken on the basis of the information available.

On Receipt of the Medical Report

Once a report has been received from the doctor it will be shared with the Head teacher in the strictest confidence.

The opportunity should then be taken to visit the employee - the purpose of this meeting is to discuss the medical report, explore the support that the school and the Education Department can provide to facilitate a return to school. It is recommended that a Human Resources Officer be present and the employee be invited to have his/her trade union representative or partner or colleague present for support.

Procedure for Hearing/Appeals

HEARING

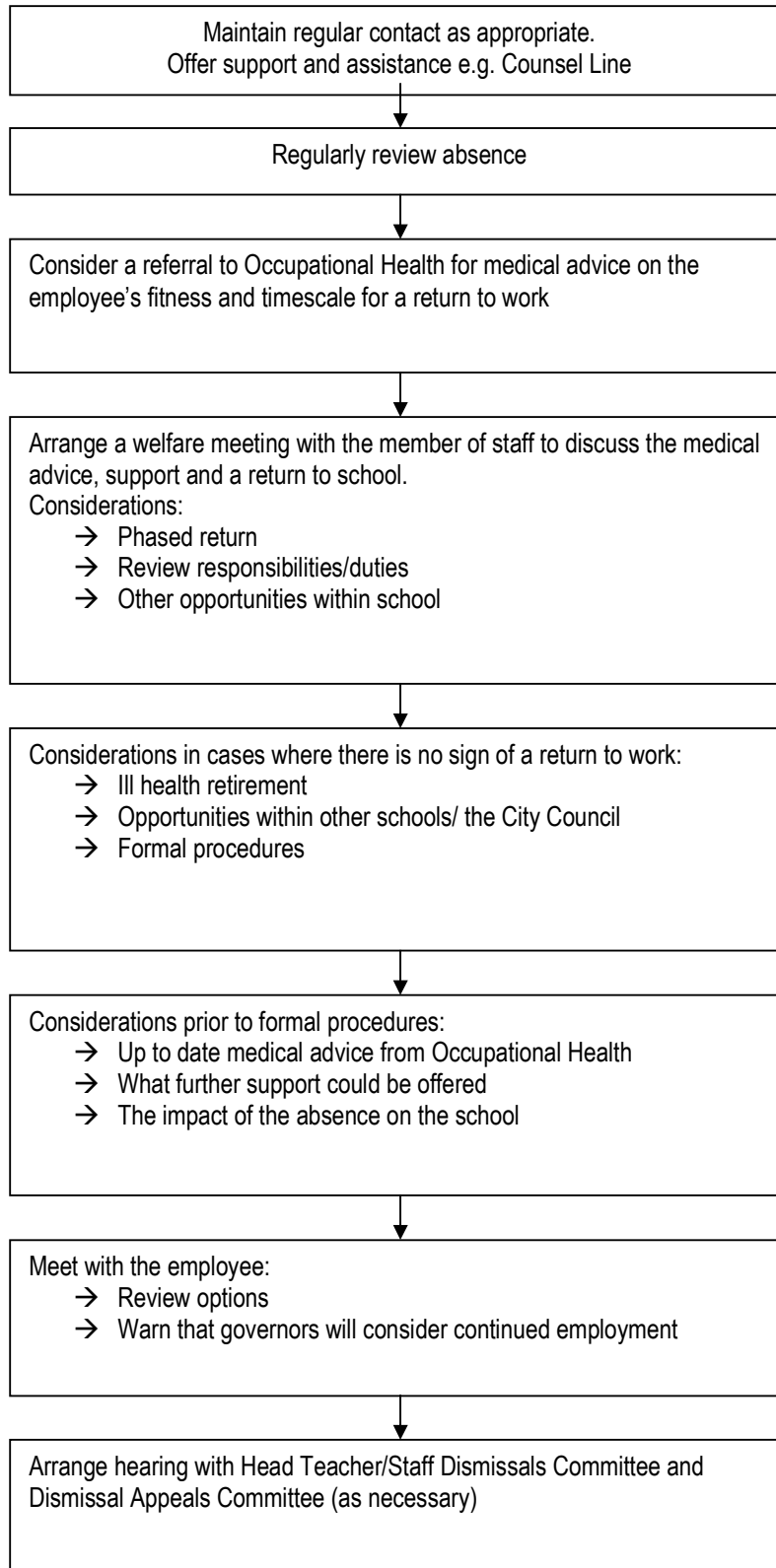
1. Member of the senior management team/Head teacher presents the case.
2. Questions from employee and/or trade union representative (or colleague).
3. Questions from the Head teacher/Staff Dismissal Committee.
4. Employee (or trade union representative/work colleague) presents their case.
5. Questions from the member of the senior management team/Head teacher to the employee and/or representative.
6. Questions from the Head teacher/Staff Dismissal Committee to the employee and/or representative.
7. Member of the senior management team/Head teacher sums up.
8. Employee (or trade union/work colleague) sums up.
9. Both parties withdraw.
10. Head teacher/Staff Dismissal Committee decision. Advice provided by Senior HR Officer.
11. All parties reconvene. Decision given.
12. Individual informed of right of appeal within 10 working days of receipt of the letter confirming the decision. Confirmation in writing from the Head teacher/chair of the committee will be sent within 3 working days.

APPEAL

Same procedure but with the Dismissals Appeal Committee.

No further appeal.

Flowchart for Long-Term Sickness Absence



III Health Retirement Applications – Summary of Arrangements

<p>The main aspects of the arrangements are summarised below. They have been developed following the DfES consultation in 2002 on ill-health arrangements for teachers. In developing the arrangements the DfES have built on the outcomes of the consultation, culminating in a 12 month pilot exercise with a number of LEAs, with the involvement of employer organisation and unions.</p>
<ul style="list-style-type: none"> Employers and their occupational health advisers should become involved at the earliest possible stage in supporting all teachers' health and welfare. <i>It is the responsibility of the Head teacher to manage staff absences within school.</i> <i>Support and guidance is available from Human Resources and they will link with Occupational Health on behalf of the school.</i>
<ul style="list-style-type: none"> Where appropriate alternatives have been fully explored and an application for ill health retirement is being considered, the employer will provide the teacher with application forms and guidance notes. <i>Human Resources will work with the school and employee (and their trade union representative) to consider appropriate alternatives. Human Resources can provide the teacher with the necessary Teachers' Pensions forms.</i>
<ul style="list-style-type: none"> The teacher should work with their employer's occupational health adviser to complete the application process and determine what additional medical evidence may be needed. This should be supported by the knowledge of the teacher's case that the occupational health adviser has built up through their earlier support to the teacher. The teacher should then commission any relevant medical evidence. <i>In managing a long term absence it is likely that a referral to Occupational Health will already of taken place and as necessary further appointments can be made. The teacher should commission any further relevant medical evidence – e.g. reports from GP / consultant (the Teachers' Pensions Medical Adviser will no longer seek further medical evidence to support the application).</i> <i>Occupational Health, with the teacher will collate the medical advice.</i>
<ul style="list-style-type: none"> Application forms (both the general information form and the medical evidence form) will be checked for completeness by the employer and their occupational health adviser,

<p>before being passed to Teachers' Pensions for processing. <i>Human Resources will liaise with Occupational Health to ensure the forms are complete.</i></p>
<ul style="list-style-type: none"> • If the employer has concerns about either the completeness of the application or over the level of medical evidence provided, the applicant and the employer should work together to address these before completed applications are submitted to Teachers' Pensions. Ultimately, however, it will be the teacher's decision to submit the application. <i>The school, Human Resources and Occupational Health will work with the teacher to ensure that the application is as complete as possible.</i>
<ul style="list-style-type: none"> • Following receipt of the application, cases will be considered by the DfES's medical advisers in line with existing criteria.
<ul style="list-style-type: none"> • Based on the medical adviser's opinion, the application will be either accepted or rejected. If the application is rejected due to insufficient medical evidence, the employer and the teacher will be advised of the medical adviser's opinion. They should then work together to consider commissioning further medical evidence and whether to submit a fresh application. <i>The school, Human Resources and Occupational Health will work with the teacher as appropriate</i>
<ul style="list-style-type: none"> • The new arrangements will not apply where a teacher is terminally ill and commutation of benefits may be a consideration. In such cases, employers should forward application forms to Teachers' Pensions without delay.
<ul style="list-style-type: none"> • Where an ill health application is not accepted, it does not interfere with the employer's right to consider the possible dismissal of the teacher on the grounds of ill health.
<ul style="list-style-type: none"> • Further information is available from Human Resources and at www.teacherspensions.co.uk