



The Linden Centre

Staff Attendance Management Policy

Signed by:		
	Headteacher	Date:
	Chair of Management Committee	Date

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Statement of intent

The Linden Centre is committed to maintaining the health, safety and welfare of its staff, seeks to provide a positive and healthy working environment, and recognises the value of its employees' work-life balance. Regular attendance at work is an integral part of each employee's contract of employment; however, it is recognised that employees will, on occasion, have genuine and acceptable reasons to be absent from work. On those occasions, we will aim to support an employee during the period of absence, with the aim of assisting their return to work at the earliest opportunity.

This policy outlines provisions to minimise absence levels across the school and provides information on how we may support those employees who are unable to attend work due to ill health, in order to ensure the best quality of education to pupils. This policy also aims to provide a fair and consistent framework for managing attendance and informs all employees of their responsibilities regarding attendance at work.

In accordance with its obligations under the Equality Act 2010, our school will make all reasonable efforts to allow employees with a disability to continue their employment.

This policy is not contractual, and we may depart from its terms where circumstances dictate.

1. Legal framework

1.1. This policy has due regard to legislation and statutory guidance, including, but not limited to, the following:

- Equality Act 2010
- Redundancy Payments Modification Order 1985
- DfE (2020) 'School teachers' pay and conditions document 2020 and guidance on school teachers' pay and conditions'

1.2. This policy operates in conjunction with the following school policies:

- **Equal Opportunities Policy**
- **Data Protection Policy**
- **Records Management Policy**
- **Disciplinary Policy and Procedure**

2. Roles and responsibilities

2.1. The **Headteacher** is responsible for:

- Informing all employees of attendance management procedures, including the conditions of the sick pay scheme.
- Recording all sickness absence upon notification.
- Meeting with employees on their return to work, regardless of the duration of the absence.
- Monitoring and reviewing sickness absence across the school.
- Deciding if a stage one absence hearing with an employee when their sickness absence level has reached a trigger point is appropriate.
- Maintaining reasonable contact with employees during a period of absence.

2.2. Staff are responsible for:

- Attending work when fit to do so.
- Complying with the school's notification of sickness absence procedures.
- Maintaining reasonable contact with the school and meeting with the school when required during periods of absence of four weeks or longer ("long-term sickness absence").
- If requested to do so by the school, attending occupational health (and potentially other medical) appointments.

3. Attendance management procedure

- 3.1. The school will make appropriate arrangements to minimise the impact of sickness absence, including arranging supply cover or longer-term arrangements in the event that an employee is absent for a longer period of time.
- 3.2. The school expects staff to report absence using the following procedure:
 - On the first day of sickness absence, staff will call the Headteacher by no later than **07:30am**.
 - Staff will notify their line manager of the reason for their absence and the likely duration of their absence.
 - Staff will maintain contact with the school for the duration of their absence.
 - Unless and until staff are certified by a doctor's fit note, they will call the Headteacher by no later than **15:30** to inform the school if they will be in as normal for work the following day.
 - If a staff member is absent for longer than seven consecutive days (including weekends), then they will submit a doctor's fit note to the school.
- 3.3. Failure to follow this process could result in sick pay being withheld or the absence being treated as unauthorised.

4. Sick pay

- 4.1. Sick pay is based on length of service. For teachers, this is aggregated teaching service within any LA and any academy. For all other staff, it is continuous service within any public authority to which the Redundancy Payments Modification Order 1985 applies.
- 4.2. If the school is concerned that the reason given for staff absence is not genuine, it may commence action under the school's **Disciplinary Policy and Procedure**.
- 4.3. The school reserves the right to withhold sick pay in circumstances which are described in the relevant paragraphs of the conditions of service for teachers and support staff. Additionally, if staff are found to be carrying out some other work, within their contracted hours at the school, sick pay may be withheld.
- 4.4. Staff who are absent from work on sickness absence must not participate in any other form of work (paid or unpaid) during or outside of their normal working hours without the prior written authorisation of school.

- 4.5. Staff will notify the school if they are undertaking therapeutic work whilst off sick and will consult with the school's occupational health service as to the advisability of such activity.
- 4.6. Time off for surgery that is not for medical reasons will ordinarily not be paid by the school. Any leave granted, whether paid or unpaid, will be subject to the availability of staff to cover the employee's period of absence.

5. Statutory sick pay (SSP)

- 5.1. In order to qualify for SSP, staff must:
 - Be sick for at least 4 or more days in a row (including weekends and bank holidays) (SSP is not payable for the first 3 days of any period of absence); **and**
 - Earn an average of no less than the Lower Earnings Limit for National Insurance Contributions (NIC).
- 5.2. SSP is paid by the school for up to a maximum of 28 weeks.

6. Returning to work

- 6.1. Where a doctor advises a staff member that "you are not fit for work", the doctor will state the period (or dates) that this will be the case and whether they will need to assess the staff member again. If the doctor has not stated that they need to assess the staff member again, the school will ordinarily assume that the employee will return to work on expiry of the fit note.
- 6.2. The school may ask the staff member to seek further advice from their doctor regarding a return to work or to seek advice from an occupational health advisor before the employee is allowed to return to work. Staff will attend any additional appointments as reasonably instructed by the school.
- 6.3. During any additional period of assessment, the staff member will remain entitled to sick pay in accordance with the SSP or the employee's terms and conditions of service.
- 6.4. Staff take on board any advice given by their doctor on how to return to work. Advice may include:
 - A phased return to work.
 - Flexible working.
 - Amended duties.
 - Workplace adaptations.

- 6.5. The school will consider any recommendations made by the staff member's doctor and implement additional measures to support the staff member's return to work where possible.
- 6.6. On their return to work, staff must contact their line manager and complete a sickness notification form as directed.
- 6.7. Following a period of sickness absence, staff will be required to attend a return to work interview within three days of their return with their line manager.
- 6.8. The interview will:
 - Welcome the staff member back to work.
 - Inform the staff member of any changes during their absence.
 - Seek assurance that the staff member is well enough to be at work.
 - Establish if the staff member requires any additional support.
 - Assess whether staff need to be referred to occupational health.
- 6.9. During the interview, staff will be made aware of the following:
 - Whether their absence may lead to a stage one absence meeting.
 - Any support the school will offer to avoid a stage one absence meeting
 - Whether they have surpassed the trigger points for a stage one absence meeting and the implications of this, e.g. being invited to an absence meeting.
- 6.10. If a staff member has already received an official warning over their attendance, they may be invited to a stage two or three absence meeting.
- 6.11. A record of a return to work interview will be signed by both the staff member and their line manager and a copy will be kept and stored securely in line with the **Records Management Policy**.

7. Occupational health

- 7.1. The school will staff to an occupational health advisor where necessary. The advisor will outline:
 - When the staff member will be able to return to their role.
 - The staff member's ability to carry out their role.

- Whether any adjustments or modifications will be made to assist the staff member in carrying out their role.
 - Whether the staff member is (or will soon be) unable to carry out their role or alternative duties within the school.
 - Whether any adjustments or modifications could be made to assist the employee in carrying out such alternative duties.
- 7.2. The school will consider appropriate support options, including reasonable adjustments or phased returns to work.
- 7.3. For employees experiencing a psychological illness, e.g. stress, anxiety or depression or a musculoskeletal complaint (e.g. neck, shoulder or back condition), an immediate referral to occupational health will be made.

8. Persistent absence

- 8.1. If a staff member is persistently absent and their attendance levels have not improved to a satisfactory level following informal action through the return to work interviews, and having taken into consideration the trigger points, their line manager may choose to obtain medical advice from occupational health (if appropriate) or may proceed to a stage one absence meeting.
- 8.2. Where there is a history of formal absence warnings that result in a successful monitoring period which is then immediately followed by further absences, the school may not recommence the informal attendance monitoring process but move instead to the next stage in the formal procedure.

Stage one absence meeting

- 8.3. If a staff member's sickness absence levels have not improved despite being addressed in their return to work meetings, and the employee has reached the trigger points, the line manager will invite the staff member to a stage one absence meeting.
- 8.4. The staff member's line manager will provide at least three working days' notice of the stage one absence meeting in writing. They will inform the staff member of the time, date and place of the meeting, and the reason for the meeting, and will issue any evidence to be discussed at the meeting and state that they have the right to be accompanied by a trade union representative or work colleague not involved in the case.
- 8.5. The line manager will prepare for the meeting by ensuring that they have identified the employee's sickness absence levels and the support that has been provided via the return to work meetings.

- 8.6. Any medical evidence or documentation that the staff member wishes the line manager to consider will be submitted prior to the meeting.
- 8.7. In the stage one absence meeting the line manager will:
- Explain the concern about the absence level and reasons for that concern, such as operational difficulties caused.
 - Listen to reasons and respond appropriately.
 - Consider whether to refer the case to occupational health if they have not already done so.
 - State that sustained improvement in attendance is expected and set an appropriate monitoring period and targets for improvement.
 - Identify any support required.
- 8.8. The potential outcomes of this meeting include:
- Giving the staff member a stage one warning, to remain on file for 6-12 months, and explain that continued failure to improve attendance to the specified level may lead to a stage two absence meeting which could lead to the staff member's employment being put at risk.
 - An extension of informal monitoring.
 - No further action.

Stage two absence meeting

- 8.9. If the staff member's attendance drops below the required level within the set monitoring period, their line manager will ask the employee to attend a stage two absence meeting.
- 8.10. The line manager will provide at least three working days' notice of the stage two absence meeting in writing. They will inform the staff member of the time, date and place of the meeting, and the reason for the meeting, and will issue any evidence to be discussed at the meeting and state that they have the right to be accompanied by a trade union representative or work colleague not involved in the case.
- 8.11. In the stage two absence meeting, the line manager will:
- Explain the concern about the absence level and reasons for that concern, such as operational difficulties caused.
 - Listen to reasons and respond appropriately.
 - Consider whether to refer the case to occupational health, if they have not already done so.

- State that sustained improvement in attendance is expected and set an appropriate monitoring period and targets for improvement.
- Identify any support required.

8.12. The potential outcomes of this meeting include:

- Give the employee a stage two warning, to remain on file for 9-12 months and explain that continued failure to improve attendance to the specified level will lead to a stage three absence hearing which could result in dismissal.
- An extension of monitoring and support within stage one of the formal process.
- No further action.

8.13. The staff member's line manager will fully record the details of the meeting and send a letter to the staff member confirming the details of this meeting.

8.14. If at any stage a staff member has reached a level of improvement acceptable to the school, monitoring will revert back to informal arrangements.

Stage three absence hearing

8.15. If the employee's attendance drops below the required level within the set monitoring period, their line manager will ask the staff member to attend a stage three absence meeting.

8.16. The line manager will provide at least five working days' notice of the stage three absence meeting in writing. The notice will include:

- The purpose of the hearing.
- Details of the employee's attendance.
- The stage reached in the procedure.
- When and where the hearing will be conducted.
- The right to be accompanied by a trade union representative or work colleague not involved in the case.
- The requirement for the employee to provide, in at least two working days before the hearing, all documents that they intend to present at the hearing.

- 8.17. The stage three absence meeting will be conducted by the **Headteacher**. Any medical evidence or documentation that the staff member wishes the headteacher to consider will be submitted at least two working days prior to the hearing.
- 8.18. The purpose of the stage three absence meeting is to consider whether the staff member is capable of continuing employment with the school in the light of their health, their attendance and their ability to perform the role with reasonable effectiveness. The meeting also takes into account whether the school can reasonably sustain the staff member's level of attendance.
- 8.19. The potential outcomes of this meeting include:
- An extension of monitoring and support within stage two of the formal process
 - If the headteacher decides that the staff member's attendance is not acceptable and is unlikely to improve to an acceptable level, the employee may be dismissed with notice on the grounds of failure to sustain required levels of attendance.
- 8.20. Prior to a decision to dismiss, consideration will be given to any alternative working arrangements or roles with the school.
- 8.21. If the school decides to terminate the staff member's employment on the grounds of the above, the employee will be informed of the school's decision to dismiss in writing and the employee will be advised of their right of appeal.
- 8.22. **[Community or voluntary controlled schools only]** A copy of the letter dismissing the staff member will be sent to the Director of Children's Services. The Director of Children's Services will then formally confirm dismissal by letter to the employee.

9. Appeals

- 9.1. Any appeal arising as a result of a warning or dismissal will be made in writing to the **Headteacher & SDM' Pupil Support Services** within five working days of receiving the outcome of the hearing.
- 9.2. If the staff member submits an appeal, they will be invited to an appeal hearing where their case will be heard by a more senior manager. In the event that a decision was taken by the **Headteacher**, any appeal will be heard by **Headteacher & SDM' Pupil Support Services alongside Telford & Wrekin HR**. The outcome of the appeal hearing will be confirmed in writing to the employee. There is no further level of appeal.
- 9.3. All Dismissals & Disciplinary are heard through Telford & Wrekin HR .

10. Long-term sickness absence

- 10.1. Where a staff member is or is reasonably expected to be absent from work for four weeks or more (including any period of holiday) or where the staff member has been unable to sustain regular and efficient attendance due to a long-term condition, they will fall within the scope of the long-term sickness absence management procedure.
- 10.2. The school will maintain regular and supportive contact with the staff member, which may include regular review meetings to discuss their continuing absence, when they may be able to return to work and any reasonable adjustments that the school may be able to make to assist them in returning to work. It is a contractual requirement that the employee cooperate with the school during such period of absence.

11. Medical suspension and capability

- 11.1. There are a number of circumstances where the school may medically suspend an employee.
- 11.2. Reasons for such a decision include consideration for the protection of the person's own health, as well as the health and welfare of other staff and pupils who may be put at risk by the medical condition of an employee. Occupational health may recommend medical suspension to management.
- 11.3. A referral to LADO may be (subject to LA arrangements) recommended in cases where a staff member is suffering from or has suffered from suicidal thoughts. The school will undertake a full risk assessment on the risks posed to the employee or others before deciding on whether the employee is fit to be in work.
- 11.4. If, following advice from occupational health, it appears that the employee is probably not going to be able to return to their role or to provide regular and efficient attendance within a reasonable period of time, the employee will be invited to attend a medical capability hearing.
- 11.5. Prior to a medical capability hearing, a preliminary meeting will be arranged in order to discuss the following:
 - The history of the employee's absence, including the number of absences or duration of absences.
 - Any reasonable adjustments that have been made or considered.
 - If and when the employee may be able to return to work or to provide regular and efficient service.

- Any redeployment options that have been considered within the school.
 - The up-to-date medical advice.
- 11.6. The employee has the right to be accompanied at this meeting by a trade union representative or work colleague.
- 11.7. If, following the preliminary meeting, the staff member's line manager remains of the opinion that the employee is not able to return to work within a reasonable period of time and that their absence cannot be sustained or that the employee will not be able to provide regular and efficient service in accordance with their contract of employment, the employee will be invited to attend a medical capability hearing.

Medical capability hearing

- 11.8. The medical capability hearing will be conducted by the **Headteacher**.
- 11.9. The purpose of the medical capability hearing is to consider the viability of the employee's continuing employment. The employee will be given written notification of the meeting giving five working days' notice.
- 11.10. The **Headteacher** will consider dismissal on the grounds of medical capability where having considered any medical advice and any representations by the employee the **Headteacher** reasonably believes that:
- The employee is permanently unfit to work.
 - They are unable to reasonably determine when the employee will be able to return to work or to provide regular and efficient service.
 - The employee is unlikely to be able to provide regular and efficient service.
- 11.11. In the event that an employee has failed to attend appointments with occupational health and, therefore, there is no medical evidence to consider, the **Headteacher** may make a decision based on the information at the hearing.
- 11.12. The employee has the right to be accompanied at the medical capability hearing by a colleague or a trade union representative. Any documentation that the employee wishes the **Headteacher** to consider should be submitted at least two working days prior to the hearing.

- 11.13. In certain situations where medical evidence from an employee is in conflict with the medical evidence from occupational health, the school will decide to obtain a further medical report or may prefer either report.
- 11.14. Where an employee fails to attend the hearing, it may go ahead in their absence.
- 11.15. If the **Headteacher** decides to terminate the employee's employment on the grounds of medical capability, the employee will be informed of the decision to dismiss in writing and the employee will be informed of their right of appeal.

12. Appeals against medical capability decisions

- 12.1. Any appeal arising as result of a medical capability dismissal will be made in writing to school within 10 working days of receipt of the outcome of the hearing.
- 12.2. If the member of staff submits an appeal, they will be invited to an appeal hearing where their case will be heard by the **Headteacher**. The employee and the school will provide additional medical information for consideration at the appeal hearing.
- 12.3. The outcome of the appeal hearing will be confirmed in writing to the employee. There is no further level of appeal.

13. Redeployment of staff

- 13.1. Staff fit to return to work, but not in their original role will be transferred into an alternative role which they are able to undertake with or without reasonable adjustments or training.
- 13.2. **[Community schools and voluntary controlled schools only]** If there is no suitable alternative post in school, staff may be reassigned within the LA.
- 13.3. It will be the decision of the LA redeployment unit as to whether a school employee will be accepted onto the redeployment register.

14. Ill health retirement

- 14.1. Staff who are contributing to the Local Pensions or Teachers' Pensions (TP), will be considered for ill-health retirement where applicable.

15. Accruing annual leave during sick leave

- 15.1. Employees have the right to accrue annual leave during sickness and to take this upon return or carry forward the annual leave into the next leave year.

- 15.2. The time an employee takes leave will be agreed by the staff member's manager in line with the needs of the school.
- 15.3. Full time employees are entitled to 28 days (5.6 weeks) of statutory annual leave under the Working Time Regulations 1998. Therefore, the entitlement to statutory annual leave can be offset by any periods of school closure, whether they occur before or after the period of sickness. Where there is insufficient school closure time to allow the statutory annual leave to be taken, the school will allow the employee to carry forward the leave to be taken in a school closure.
- 15.4. When an employee commences sick leave, the amount of leave an employee has had in the current leave year will be established by the amount of school closure periods that have already occurred during the leave year. If this exceeds the entitlement to statutory annual leave, there will be no further entitlement to leave.

16. Monitoring and review

- 16.1. This policy will be updated annually by the **Headteacher**.
- 16.2. Any changes made to this policy will be communicated to all stakeholders.

Considerations for Staff During the Coronavirus (COVID-19) Pandemic

Considerations	Required actions	Pay arrangements
<p>Staff member has tested positive or developed symptoms of coronavirus The symptoms are:</p> <ul style="list-style-type: none"> • A high temperature • A new, continuous cough • Loss or a change to sense of smell or taste 	<ul style="list-style-type: none"> • Self-isolate for 10 days starting immediately • After 10 days they can return to work providing they are well enough to do so and have not had a temperature for at least 48 hours (NB other symptoms may continue for some time). The line manager should discuss with the staff member if they should return at this point • Follow government guidance on staying at home • Obtain a test for coronavirus as soon as possible and within the first 8 days of the onset of symptoms 	<p>Normal sick pay arrangements apply</p>
<p>Staff member has a positive test without symptoms but later develops symptoms</p>	<ul style="list-style-type: none"> • Restart the 10-day self-isolation period 	<p>Normal sick pay arrangements apply</p>
<p>Staff member develops symptoms but has a subsequent negative test</p>	<p>Staff member can return to work providing:</p> <ul style="list-style-type: none"> • They are well enough to do so and have not had a temperature within the last 48 hours. • They have not been instructed by NHS Test and Trace to self-isolate. • Nobody else in the household (or support bubble) has symptoms or has had a positive test. • Line managers should discuss the situation with the staff member to ensure they are satisfied they can return at this point. 	

<p>Staff member who shares a household (or support bubble) with someone who has developed symptoms or has tested positive</p>	<ul style="list-style-type: none"> • Self-isolate for 14 days at home starting immediately. • If they develop symptoms themselves then 10 days self-isolation starts, and they should arrange a test • If the person they share the household has a subsequent negative test then the staff member can return to work immediately 	<p>Normal sick pay arrangements apply unless working from home arrangements can be made (and the staff member has not become unwell)</p>
<p>Staff member has been contacted by NHS Test and Trace and may have been in contact with someone who has tested positive for coronavirus</p>	<ul style="list-style-type: none"> • Commence self-isolation for 14-day period unless otherwise advised • If they develop symptoms then 10 days self-isolation starts and they should arrange a test 	<p>Normal sick pay arrangements apply unless working from home arrangements can be made (and the staff member has not become unwell)</p>
<p>Someone in their household has been instructed to self-isolate by Test and Trace</p>	<ul style="list-style-type: none"> • No self-isolation required unless they develop symptoms 	
<p>Staff member has been instructed to self-isolate prior to hospital procedure</p>	<ul style="list-style-type: none"> • Self-isolate as per medical advice and work from home if possible and well enough • Provide evidence to the school 	<p>Normal sick pay arrangements apply unless working from home arrangements can be made (others in the household may also be instructed to self-isolate in which case same rules apply)</p>
<p>The staff member is part of a 'bubble' in our school which is required to self-isolate</p>	<ul style="list-style-type: none"> • Self-isolate as instructed by the health protection team or the DfE • Arrange a test if instructed to do so 	<p>Period of full pay</p>
<p>The staff member's child is required to self-isolate due to an outbreak at their school.</p>	<ul style="list-style-type: none"> • No self-isolation required. • Any requirement for working from home or time off work to be discussed with the line manager • Parental leave and/or special leave may be available to help with childcare issues 	<ul style="list-style-type: none"> • Emergency leave as per Leave of Absence Policy followed by period of unpaid leave

		<ul style="list-style-type: none"> • Consider working from home arrangements for part or whole of the period • Consider parental leave (usual 21 days' notice period may be relaxed at school's discretion)
Staff member is returning from a holiday abroad and is required to quarantine on their return	<ul style="list-style-type: none"> • FCDO advises British Nationals to avoid all but essential international travel – some exceptions apply but this is a constantly changing situation • Staff should be asked to consider changing or postponing international travel and advised that the need to quarantine may affect their pay 	No entitlement to full pay unless working from home arrangements can be agreed.
What notification is the staff member required to provide	<ul style="list-style-type: none"> • Usual notification rules apply • After 7 days staff can obtain a self-isolation note instead of visiting their GP • Staff must discuss with the school if they expect to be absent after the required 10 or 14 days 	
Can I contact the staff member during their period of self-isolation	<ul style="list-style-type: none"> • Yes, you can. You may be able to make arrangements for the staff member to work from home providing they are well enough to do so 	
Can I disclose to other staff members who has tested positive within the school?	<ul style="list-style-type: none"> • No but you can ask the person who has tested positive to alert co-workers even before they have test results • If they test positive you can ask them for the names of those colleagues who they have been in "close contact" with in the last 48 hours • This information can be passed to the health protection team and NHS Test and Trace who will 	

	notify the relevant people without disclosing names	
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