XP Trust Managing Attendance Policy

Purpose

Our employees are the most important resource in providing quality services and, as such, it is vital that their attendance at work is managed effectively.

XP Trust has a clear written policy for managing staff sickness absence and for taking decisive action to reduce sickness absence levels which disrupt the provision of services. This includes clear procedures for the monitoring of staff absences, for taking appropriate responding action and for encouraging the promotion of health and wellbeing and supporting staff who become ill.

Managers should be adequately informed about staff sickness absence. Appropriate monitoring of sickness absence is of benefit to the general well-being of employees, keeping in touch with employees who are absent due to illness is important for both employee welfare and the employer.

The term 'manager' is a generic term and refers to the most appropriate manager to implement and manage this procedure. It could therefore mean a member of the school management team, including: Principal/Head, Senior Leadership Team, CEO/CFO. All cases of sickness absence will be addressed under this policy.

Effective monitoring and management of attendance at work will help to:

- Make a positive contribution to the health and well-being of the workforce.
- Reduce costs of absenteeism.
- Enhance service provision.
- Identify factors in the workplace which may be affecting employee attendance.

Absence may occur for the following reasons:

(a) Physical or mental health
(b) Disability
(c) Long term ill health
(d) Short term sickness

At the appropriate point in this procedure an employee may be asked to attend an Occupational Health appointment so that information can be gained to help manage issues of health and attendance. Employees who are referred to Occupational Health will be advised of this in advance. An Occupational Health referral will be a joint process with the employer and the employee with the aim of seeking medical advice on how to support the employee and the employer moving forward.

Scope

The procedure applies to all employees in XP Trust.

It is intended to provide a fair and consistent framework of good practice which will support managers to deal with the issues related to absences from work, and encourage good attendance, by looking for solutions to underlying problems. However, it is important to take account of the circumstances surrounding each individual case in deciding appropriate action and if managers are in any doubt, they should consult Human Resources.

Health or any other physical or mental issues which are **leading to problems with attendance**, should be dealt with under this procedure.

This procedure does not deal with health or any other physical or mental issues which are **leading to performance problems**.

Monitoring

In the first instance, managers will:

- Ensure every employee knows what is expected of them in relation to sickness notification.
- Inform new starters, during their induction, of the importance of maintaining regular attendance.
- Inform employees that their attendance will be monitored during their probationary period.
- Monitor attendance on an on-going day-to-day basis.

Subsequently, as part of normal duties, managers will:

- Take action in line with this policy when an employee is absent from work.
- Undertake return to work discussions every time an employee returns from sickness absence, where at all possible, within 24 hours of the employees return to work.
- Conduct or participate (as appropriate) in the various stages of the Short Term Absence Review Process which is first "triggered" when an employee has been absent for a total of **10 working days** (where an employee works less than a 5-day working week then the 10 day trigger point should be pro rata) or **3 separate periods in a 12 month period**, or has **a pattern of absence which is causing concern**;
- Conduct or participate (as appropriate) in the various stages of the Long Term Absence Review Process. which is first "triggered" when an employee has been absent for a **continuous absence of 4 weeks or more**.

Notification, Contact and Certification of Sickness Absence

On the 1st day of sickness absence

The employee must telephone their line manager **before 8am on the first day of absence** (it is expected that this would be prior to the employee's 'normal' starting time).
Where possible the employee should speak directly to their line manager. If they are not available the employee should leave brief details of their absence with the school office, along with a contact telephone number. This must be followed up with an email to their line manager, copying in the school office.

If all the necessary information has not been provided then the line manager will then return the call as soon as possible that day. The person taking the call will establish the nature of the illness and the anticipated length of the employee's unavailability for work. They will finally agree that if absence extends to day 3, whether a further call would be appropriate and what time this should be made by.

In some circumstances it may not be possible for the employee to make contact themselves e.g. hospitalisation or severe illness. In these circumstances a nominated relative, friend or representative may act as the contact person on their behalf.

On 3rd day of sickness absence

If absence continues to a 3rd day and it has been agreed that further welfare contact is required, then the employee is encouraged to contact their line manager, at the time agreed on day 3, to discuss their health and well-being and again, establish the likely length of the employee's unavailability for work. If the employee indicates that the absence is likely to exceed 5 working days, the manager will remind them of the need for a medical certificate from the 6th day. If the employee does not make contact by the agreed time on day 3 then the nominated person will contact them instead.

On the 6th day of absence

The employer must be provided with a medical certificate from a Doctor. Again, the employee (or someone on their behalf) should provide an update on their continued absence. This will help the school to plan, make appropriate cover arrangements and offer support to the employee. Consecutive medical certificates should then be submitted to cover the total period of absence. Medical certificates can be provided via text or email if necessary.

On return to work from absence of 5 days or less

The employee should complete a **Self-Certification form** on their return to work.

- XP Doncaster Sickness Self-Certification Form
- Green Top Sickness Self-Certification Form
- Norton Campus Sickness Self-Certification Form
- Plover Sickness Self-Certification Form
- Carcroft Sickness Self-Certification Form
- XP Gateshead Sickness Self-Certification Form

- Central Team Sickness Self-Certification Form

It is important that employees who become fit for work on a day that is not part of their normal working week e.g. weekend or an off workday, make sure they notify their manager of the exact day that they became fit for work, otherwise it will be recorded as the next working day they return to work. The accuracy of these records is important to ensure that pay is correct and that trigger points are recorded correctly.

Failure to notify

Failure to notify, or delay in notifying sickness absence may result in a colleague attempting to make contact in a supportive capacity to ensure all is well from a welfare aspect.

If an employee fails to provide appropriate sickness certification, a discussion should take place with the employee to determine why they have not complied with the procedure. If the explanation is satisfactory then no action will need to be taken however, if the explanation is not satisfactory then disciplinary action may be taken which may result in a variety of sanctions one of which may be the stopping of pay.

Absence due to Industrial Injury

When an employee is absent from work due to an industrial injury, this will still form part of the absence review trigger points and will be included as part of the normal monitoring process to ensure that any necessary support is identified and provided.

Where absence is due to an industrial injury, and appropriate documentation has been completed, the documentation will be passed onto the Trust Advisors to determine whether it is classed as an industrial injury. The Trust will review the information and communicate a decision to the employee regarding occupational sickness pay that has been exhausted.

Absence related to a Disability

When an employee is absent from work and the absence is related to a disability, managers need to consider whether any reasonable adjustments are necessary to assist return to work, to limit future absence and support the employee in achieving an appropriate level of attendance.

Consideration of reasonable adjustments for employees with disabilities is a legal requirement of the Disability Discrimination Act. However, as an employer we will also extend the consideration to other employees who may not meet the definition of disabled but are either permanently or temporarily unable to undertake their job for health reasons.

If reasonable adjustments are being considered, guidance and support should be sought from Occupational Health and HR who may also be able to advise about external sources from which to access further assistance. Examples of reasonable adjustments could be:

- extending trigger points;
- providing specialist equipment;

- modifying days or hours of work;
- modifying duties;
- providing additional classroom assistance

Return to Work Discussions

Where possible, within 24 hours of the employee's return to work, the designated manager in school will arrange to see the employee for a return-to-work discussion. This discussion provides an opportunity for the manager to:

- Welcome the employee back to work;
- Enquire after the employee's health;
- Give the employee an opportunity to draw their manager's attention to any particular problems of either a work or domestic nature, which may affect their attendance;
- Offer appropriate help and support e.g. access to counselling, workload adjustments etc
- Update the employee on any developments of work during their absence;
- Receive any self or medical certificates as appropriate;
- Advise the employee where they are within the procedure and set monitoring periods as appropriate.

Managers must use the relevant Absence Meeting Templates to complete this meeting, which should be agreed and signed as a true record by the employee and the manager conducting the discussion. If not agreed a record will be kept of both parties' views.

If as a result of either the length or frequency of the employee's sickness absence the employee hits a trigger point, the manager should commence with the appropriate absence review as outlined below:

- **Short term Absence Review Trigger Point** is defined where an employee's record shows:
    - 10 working days of absence, in any 'rolling' twelve month period (where an employee works less than a 5-day working week then the trigger point should be pro rata-ed);
    - 3 periods of absence in any 'rolling' twelve month period;
    - a pattern of absence which is causing concern, for example, regular Friday or Monday absences or absences regularly occurring on a particular day of the week.
- **Long term Absence Review Trigger Point**
    - any period of continuous absence of 4 weeks or more.

Short Term Absence Review Process

When an employee has exceeded the short-term absence trigger points, and if no action had been previously taken, the following process will be adopted.

Note: In operating this process, care must always be taken to comply with the Disability Discrimination Act 1995.

Also note that managers may exercise appropriate discretion in relation to progression through the stages of the process. Where managers exercise this discretion then approval of this will need to be given by their manager.

The right to representation at all formal meetings must be observed, employees are entitled to be accompanied by a trade union representative of a work colleague at all formal meetings.

Summary of Short Term Absence Review Process

Stage 1*: Informal Counselling Interview If no action previously taken and the first time employee has reached trigger point	● This is an informal meeting to discuss any underlying issues or any assistance that the employee requires ● discuss absences with employee and identify underlying reasons ● see if any assistance can be offered ● advise employee of the next stages of the process ● note kept on personal file ● Set a monitoring period
Stage 2*: Formal Absence Review Interview If attendance level is still unacceptable i.e. 4 days or more in the subsequent 6 or more weeks	● letter sent to employee with sick record requesting attendance at formal interview, with manager, with representation if so wished ● advice should be sought from the Trust HR Adviser ● employee should be advised to contact and be represented by their trade union ● discuss absences with employee and identify any underlying reasons ● see if any assistance can be offered ● options available - continued monitoring - referral to Occupational Health - workplace assessments and adaptations - written warning/appeal explained at meeting
Stage 3*: Further Formal Absence Review Interview If attendance level is still unacceptable i.e. 4 days or more in the subsequent 6 or more weeks	● letter sent to employee with sick record, requesting attendance at formal meeting with manager, with representation if so wished ● advice sought from the Trust HR Adviser ● employee should be advised to contact and be represented by their trade union ● discussion similar to previous meeting ● options available - continued monitoring - referral to Occupational Health - workplace assessments and adaptations - First/final written warning; containing advice that employee may be dismissed if attendance fails to improve
Stage 4: Attendance Hearing	● Letter sent to employee with sick record, requesting attendance at formal hearing, with Hearing Manager.

If attendance level is still unacceptable i.e. 4 days or more in subsequent 6 or more weeks	Employee should be advised to contact and be represented by their trade union ● HR Adviser will normally be in attendance ● manager reviews attendance record and puts forward case for dismissal on grounds of failure to maintain acceptable level of attendance ● employee given opportunity to respond and/or offer mitigation ● Panel of Hearing Manager considers alternatives to dismissal ● if decision to dismiss, employee dismissed with notice, and action confirmed in writing including right of appeal

*Stages 1, 2 and 3 may be repeated as appropriate.

Monitoring Periods

Following either an informal or formal attendance meeting, the individual will be advised that their absence will be monitored over the following 6 weeks. They will also be advised that should their absence levels reach the level equivalent to half the annual trigger point i.e. 5 days or 2 periods, then they may be required to attend an attendance review meeting at the next stage of the procedure.

However, if the employee's attendance during the 6-week monitoring period improves significantly and they do not reach the 5-day or 2-occasion trigger point, they will be advised that their absence has reached a satisfactory level. They will also be advised that their absence will continue to be monitored over the following 12 week period and that if they reach a trigger point during that 12 week period they will automatically re-enter the procedure at the same stage. If it can be objectively justified, for example to demonstrate a continuing and sustained improvement in attendance, managers may consider extending monitoring periods.

Long Term Absence Review Process

The long-term sickness absence trigger point is any period of **continuous absence of 4 weeks or more**, depending on the nature of the absence.

The right to representation at all formal meetings must be observed, employees are entitled to be accompanied by a trade union representative of a work colleague at all formal meetings.

Summary of Long Term Absence Review Process

Stage 1: Initial Discussion/ Meeting If employee has been absent for a period of 4 weeks	● manager contacts the employee and holds discussion either face to face or via telephone ● employee should be advised to contact and be represented by their trade union ● discuss state of health of employee ● manager explains that medical certificate needed

	● action plan agreed (may include): - supported return to work plan - Occupational Health referral - risk assessment (if appropriate) - workplace adaptations/reasonable adjustments - redeployment (temp or perm) - continued monitoring and timescales and date of next meeting - arrangements for maintained welfare contact with colleagues ● copy of action plan sent to employee
Stage 2: Formal Absence Review Meeting Where all agreed actions from the Action Plan have been met and the individual does not return to work	● letter requesting formal meeting with employee to discuss relevant information received to date with manager and H&WB (if appropriate), and representation if so wished ● advice sought from the Trust HR Adviser ● employee should be advised to contact and be represented by their trade union ● discuss state of health of employee, Occupational Health reports and any other medical advice available ● see if any assistance can be offered ● action plan agreed (may include) - supported return to work plan - Occupational Health referral - risk assessment (if appropriate) - workplace adaptations/reasonable adjustments - redeployment (temp or perm) - continued monitoring and timescales, and date of next meeting - ill health retirement ● copy of action plan sent to employee
Stage 3: Further Formal Absence Review Meeting If individual does not return to work as a result of second action plan	● letter requesting further formal meeting with employee to discuss progress with manager and H&WB, with representation if so wished ● advice sought from the Trust HR Advisor ● employee should be advised to contact and be represented by their trade union ● discussion similar to previous meeting ● If the employee is likely to return to work: agree a further action plan as outlined above ● If the employee is unlikely to return to work or be able to undertake their duties in the foreseeable future: inform employee in writing that if alternatives such as redeployment are not successful, they may be dismissed for incapacity ● Keep a signed record of meeting, copy to employee ● If at this stage there is mutual agreement that termination is the most appropriate solution, termination may be arranged without the need for an attendance hearing
Stage 4: Attendance Hearing	● Letter sent to employee requesting attendance at formal meeting, with Governors Panel, Employee should be strongly advised to contact and be represented by their trade union, to consider options outlined

If employee does not return to work as result of third action plan	previously, which may include dismissal on the grounds of incapacity ● The Trust HR adviser will be in attendance ● Manager reviews attendance record and outlines actions taken so far ● Employee given opportunity to respond and/or offer mitigation ● Panel or hearing manager considers alternatives to dismissal ● If decision is not to dismiss, agree action plan for future actions ● If decision to dismiss, employee dismissed with notice, and action confirmed in writing including right of appeal

If at any stage during the short or long-term absence review process, the employee's medical adviser states that they are not well enough to attend a meeting then it may be appropriate to postpone this meeting. However, alternative attempts should be made to gather information in order to help the manager manage the absence appropriately. This may include meeting with, or speaking to, the individual's representative; contacting the employee in writing to ask for a written update; or seeking information via the employee's medical adviser via Occupational Health.

Pre-Absence Referral

Where it is known, prior to an absence, that an employee is going to require time off work for health-related issues e.g. elective surgery, then a Pre-Absence Referral should be completed. The employee should be referred, in agreement with themselves, to Occupational Health, who will then advise both the individual and the manager of what they may expect in terms of length of absence, in circumstances normal to their situation.

At any point where an employee is suffering ill health, for any reason, they may request that their manager refers them to Occupational Health for support and advice. If the individual wishes to seek counselling for stress related illness then they can self-refer directly to Occupational Health.

Phased Return to Work

During the review process for long-term absence it may be recommended that a phased return to work would be beneficial. Once an employee has been certified as fit to return to work following a period of **long-term absence**, if the recommended phased return is of four weeks or less and involves reducing the normal working hours, this will be with normal full pay. If it is recommended that a phased return to work is longer than four weeks, consideration may be given to extending normal full pay beyond four weeks. If the employee wishes to request to increase the phased return beyond four weeks and this is not medically supported, they will be advised that non-working time will be without pay or, where

applicable, annual leave should be taken. A phased return to work may include modification to days or hours of work or adjustment to duties.

Limits of Authority

Employee	**Absence Reviewer**	**Appeal**
School staff	Headteacher	CEO
Central Team	Line Manager	CEO
CFO / CAO	CEO	Board of Directors
CEO	Chair of Directors	Board of Directors Panel

Right of Appeal

Employees have the right of appeal against any formal written warning and against the decision to dismiss.

Appeals should be put in writing within 5 working days of receiving notification of the decision. Appeals should be sent to and will be heard by in line with the limits of authority:

The appeal letter should contain the following:

- action being appealed against;
- reason for the appeal;
- the name and address of their representative (where applicable).

If the appeal letter does not contain the above, in line with the limits of authority the appeal hearing chair will write to the employee requesting the information.

Following the appeal hearing the employee should be informed of the decision, in writing within 5 working days, and that this is the final stage of the procedure.