



KALEIDOSCOPE
Multi Academy Trust

Policy and Procedure for Staff Managing Attendance

This policy is based upon the North Somerset Model Policy

This policy will be reviewed every 2 years

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POLICY AND PROCEDURE FOR MANAGING ATTENDANCE

1.0 Policy

- 1.1 Kaleidoscope Multi-Academy Trust values the contribution made by all of our employees to the teaching and learning of pupils and the day-to-day running of the School. We recognise the significance of excellent staff attendance to the teaching and learning of pupils and of the importance of establishing and maintaining a school culture which promotes employee health and well-being.
- 1.2 Where an employee's attendance levels become a matter for concern we will ensure a reasonable approach aimed at balancing the needs of the employee with the needs of pupils and the school community and the operational and business requirements of the School.
- 1.3 The Attendance Management Policy provides a structured framework within which Kaleidoscope School's will work proactively with employees who are experiencing difficulties in fulfilling their contractual requirements due to a health or disability issue. The expectations of staff, managers and governors under this policy are set out within **Appendix 1**.

2.0 Kaleidoscope's approach:

- 2.1 Our approach is based on the following principles:
 - Commitment to achieving and maintaining high levels of attendance and to the attendance management approach as set out in this policy from staff, managers, Governors and trade unions.
 - Ensuring employees experiencing a difficulty in maintaining a satisfactory level of attendance are given the opportunity to make representations and encouraged to be proactive in finding a resolution to the attendance issue.
 - Ensuring return to work discussions with the employee following longer or more complex absences. The school won't normally hold a return to work discussion for shorter absences or for those due to common illnesses e.g. flu. If the employee wishes to have a discussion in these cases, then they can request one.
 - Ensuring that employees are fully supported by the employer in achieving & maintaining satisfactory levels of attendance.
 - Commitment to health promotion and provision of effective health and welfare support to staff in maintaining high levels of attendance.
 - Commitment to good working conditions and maintaining proper health and safety standards.
 - Maintaining accurate attendance records to identify trends and problem areas.
 - Commitment to provide training which ensures that those responsible for managing attendance understand the policies and procedures.
 - Commitment to the principles of fairness, consistency and equality.

SECTION A: MANAGING SHORT-TERM SICKNESS ABSENCES

3.0 General

- 3.1 For the purpose of this procedure short-term absence will normally be defined as any period of absence from **half a day, up to four consecutive working weeks**. If at any stage in this procedure it is determined that the employee's absence is caused by a common medical underlying condition or a disability, the case will be managed under the Long Term Ill Health Procedure (Section B).

Procedure

4.0 Trigger Points

- 4.1 Kaleidoscope School's will use triggers in relation to an employee's pattern of absence to identify where the impact of the absence is cause for concern and where further investigation is required. These triggers will be used to help identify employees who may be experiencing difficulties in maintaining a satisfactory level of attendance so that appropriate support can be provided by the School. The triggers are indicative of the standards required and do not prevent the Headteacher/Executive Headteacher/Head of School (or their representative) being able to raise concerns with an employee and to take formal action if it is deemed to be reasonable and appropriate.

- 4.2 Trigger points are as follows:

- 8 or more days of absence within a rolling 6 month period (or earlier if the trigger has been reached); or
- 4 or more periods of absence (including single days and part days) in a rolling six month period (or earlier where the trigger has been reached) or
- 10 days or more of continuous absence;
- An unacceptable pattern of absence, for example, Mondays or Fridays, or absence immediately before or after annual leave or public holidays/school holidays.

- 4.3 The triggers will be applied on a pro-rata basis for part-time staff.

- 4.4 In certain cases the Headteacher/Executive Headteacher/Head of School (or nominated representative) will have the discretion to adjust the trigger points, for example for pregnant, disabled employees or those who have had an industrial injury.

- 4.5 Once the reasons behind the sickness triggers being reached have been established, a decision will be made, taking account of all available information, whether progress the case to a Stage 1 Attendance Review Meeting.

5.0 Attendance Review Meetings (Short-term absence) - General

- 5.1 When it is determined by the Headteacher/Executive Headteacher/Head of School (or nominated representative) that an 'Attendance Review Meeting' is required arrangements will be made to meet with the employee to discuss the causes of the absence, whether there is any underlying reasons or medical condition(s) which would explain the high levels of absence (including a disability) and whether there is anything that can be done to improve the employee's attendance.
- 5.2 The employee will be given 5 working days' notice of the date of Attendance Meetings (and will be entitled to be accompanied by their trade union representative, official employed by a trade union or a work colleague. The outcome of the Attendance Meetings will be confirmed to the employee in writing.
- 5.3 The number of Attendance Management meetings and review periods required in a particular case may vary depending on the circumstances of the case. However, a minimum of two review periods will be convened before a case is progressed to Stage 4 – Governor Panel / Capability (Health) Hearing.

6.0 Stage 1 Attendance Review Meeting

6.1 Purpose

- To ensure that the employee has a copy of the Managing Attendance Policy and Procedure and are aware of next steps at each stage of the process.
 - To share concern about the employee's level and/or pattern of absence and any impact this is having for the School;
 - To give the employee the opportunity to discuss any matters, including any underlying medical condition(s) affecting their attendance;
 - To consider support measures and any reasonable adjustments which have the potential to assist the employee to improve their level of attendance;
 - To ensure that the employee understands the importance of regular attendance and the possible implications of continued unsatisfactory attendance.
 - To consider seeking a medical view on health issues, where appropriate.
 - To consider whether a '**Notice of Improvement in Attendance**' (**NIA**) should be issued which will remain current for 12 months.
 - To set a review period over which the employee's level of attendance will continue to be monitored and arrangements within the review period to meet and discuss with the employee progress being made toward meeting attendance expectations.
- 6.2 If the employee meets the required level of attendance over the review period, this will be acknowledged in writing. Where a NIA has been issued, the Headteacher/Executive Headteacher/Head of School (or nominated representative) will continue to monitor the employee's attendance record whilst the NIA remains current.
- 6.3 If an employee does not meet the required level of attendance within the review period or the employee's level of attendance reaches one of the triggers whilst the NIA remains current, arrangements will be made to hold a Stage 2 Attendance Review Meeting.

7.0 Stage 2 Attendance Review Meeting

- 7.1 A Stage 2 Attendance Review meeting will be convened if the Headteacher/Executive Headteacher/Head of School (or nominated representative) remains concerned regarding the progress in attendance under Stage 1.
- 7.2 This will be conducted along the same lines as the Stage 1 Attendance Review meeting. Consideration will be given to seeking a medical view on health issues which are affecting the employee's level of attendance, if this has not already happened, for example if the employee is or may be 'disabled' and reasonable adjustments may be required.
- 7.3 The Headteacher/Executive Headteacher/Head of School (or nominated representative) will consider all the information, including any available medical advice and any representations from the employee and their representative and will reach a decision on any next steps which may include issuing a second NIA which will remain current for 12 months.
- 7.4 A further review period will be set during which the employee's level of attendance will continue to be monitored. Arrangements will be made within the review period to meet and discuss with the employee progress being made toward meeting attendance expectations.
- 7.5 If the employee meets the required level of attendance over the review period, this will be acknowledged in writing and the Headteacher/Executive Headteacher/Head of School (or nominated representative) will continue to review the employee's attendance record whilst the NIA remains current i.e. for the remainder of the 12 months period.
- 7.6 If an employee does not meet the required level of attendance or, the employee's level of attendance again hits one of the triggers during the currency of the NIA, arrangements will be made to hold a Stage 3 Attendance Review Meeting.

8.0 Stage 3 Attendance Review Meeting

- 8.1 A Stage 3 Attendance review meeting will be convened if the Headteacher/Executive Headteacher/Head of School (or nominated representative) remains concerned regarding the level of progress in attendance under Stage 2.
- 8.2 Where the employee's attendance remains unsatisfactory, the Headteacher/Executive Headteacher/Head of School (or representative) will arrange to meet with the employee to review the employee's attendance record along the same lines as within Stage 1 and Stage 2. A possible outcome at this meeting is a decision to refer the case to a Governor Panel / for consideration of dismissal on the grounds of capability (health).
- 8.3 Alternatively, if attendance has improved but is still some cause for concern, the Headteacher can decide to have a further period of review (after which a further attendance review meeting will be arranged) or if the employee has met the required level of attendance but the NIA is still current, to arrange no further attendance review meeting but continue to review the employee's attendance record whilst the NIA remains current i.e. for the remainder of the 12 months period or, if the employee has met the required level of

attendance and the NIA will no longer be current after the date of the stage 3 review meeting, to cease reviewing the employee's attendance.

8.4 Before referring a case to a Stage 4 Governor Panel / Capability (Health) Hearing the Headteacher/Executive Headteacher/Head of School (or representative) will have ensured that:

- A recent medical report has been obtained providing a view on the employee's fitness for work.
- A second NIA has been issued and there has been at least two review periods to provide the individual with the opportunity to achieve the required improvement in their attendance.
- Reasonable adjustments, where appropriate, have been fully explored with the employee and where appropriate implemented.

9.0 Stage 4 Governors Panel / Capability (Health) Hearing

9.1 The employee will receive at least 10 working days written notice of the date of the Capability (Health) Hearing

9.2 The invite letter will:

- state the time, date and venue for the hearing;
- outline the composition of the Capability (Health) Governor Panel;
- outline the nature of the issue to be considered at the hearing;
- inform the employee of their right to be accompanied by a trade union representative, representative, official employed by a trade union or a colleague; and
- Inform the employee of the possible outcomes of the meeting, including dismissal on the grounds of capability (health).

9.3 At least 10 working days prior to the date of the Hearing, the management representative presenting the case at hearing will provide the employee and the Governor Panel with hard copies of any supporting written documentation to be presented at the Capability (Health) Hearing and confirmation of the names of any witnesses to be called.

9.4 At least 5 working days prior to the date of the hearing, the employee must provide the management representative and the Governor Panel with hard copies of any written documentation they intend to present in support of their case and confirmation of the names of any witnesses they intend to call. These timescales may be varied with the mutual agreement of all relevant parties, including the Chair of the Governor Panel.

9.5 The Governor Panel may decide:

- that the employee's attendance record is unsatisfactory and to review the position again after a specified period of time;
- that the employee's attendance record remains unsatisfactory and to dismiss the employee on the grounds of capability due to ill health.

9.6 The employee will be informed of the outcome of the hearing in writing as soon as possible and within 5 working days.

10.0 Right of Appeal against a Notice of Improvement in Attendance (NIA) and Dismissal

- 10.1 All employees have the right of appeal against a decision to issue a NIA or to dismiss on the grounds of capability (health). The appeal must be lodged in writing (clearly setting out the grounds upon which the appeal is being made), to the Chair of Governors within 10 working days of the date of the letter confirming the decision to issue a NIA or to dismiss.
- 10.2 An appeal against the issue of a NIA will be considered by an individual governor not previously involved in the procedure and an appeal against a decision to dismiss will be considered by a Governor Appeals Panel comprised of individuals who have not had any involvement in previous stages of the Attendance Management procedure.
- 10.3 The employee will be informed of the outcome of the appeal in writing.
- 10.4 The decision of the Appeal Panel is final and there is no further internal right of appeal.

11.0 Notices of Improvement in Attendance (NIA)

- 11.1 Notices of Improvement in Attendance are used to set out for the employee the expected attendance record over the next 12 month period. If the employee's attendance falls below the expected attendance the next stage in the procedure will be implemented.
- 11.2 Where a First and Second Notice of Improvement is issued this will set out:
- a statement of the level of absence and management concerns about its effects;
 - the potential consequences for the employee of a continuing high level of absence i.e. further NIA or dismissal on the grounds of capability due to health;
 - the improvement in attendance level required from the employee (attendance target), this may include a phased improvement to satisfactory levels of attendance;
 - the timescale within which the improvement is expected to be achieved by the employee;
 - the arrangements to review the employee's attendance;
 - the support agreed to assist the employee in meeting these expectations;
 - the currency of the NIA and the implications if the attendance target is not achieved and maintained; and
 - the employee right of appeal against an NIA.

12.0 Currency of Notices of Improvement in Attendance

- 12.1 A First and Second NIA will remain current for a period of 12 months from date of issue.

SECTION B: MANAGING LONG-TERM SICKNESS ABSENCE

13.0 General

- 13.1 For the purpose of this procedure long-term absence will normally be defined as any period of absence **four consecutive working weeks or longer**.
- 13.2 This procedure also applies where it has been established that there is an underlying medical condition which does not necessarily result in long term absence from work, but gives rise to a level of attendance which is cause for concern or prevents the employee from carrying out the full range of duties and responsibilities of their job.
- 13.3 Most long term absence concerns are likely to be resolved with the employee being supported back into the workplace. Where this is not the case, the issues will be dealt with fairly by giving the employee the opportunity to make representations and to be proactive in seeking to resolve the problem.
- 13.4 In managing an employee's attendance under this procedure the School will ensure that it:-
- Keeps in regular contact with the employee to ensure that they feel supported and are offered any appropriate assistance. Contact with the employee will be handled sensitively with due consideration to the specific circumstances of the case.
 - Ensures that the employee has a copy of the Managing Attendance Policy and Procedure and are aware of next steps at each stage of the process.
 - Discusses with the employee any implications the employee's attendance record may have on his/her employment at the School.
 - Takes account of the employee's views regarding their attendance and medical condition and any medical view provided.
 - Considers options to support the employee in achieving and maintaining acceptable levels of attendance including reasonable adjustments.
 - Warns the employee when it is at the point of considering dismissal on the grounds of capability (health).
 - Considers any issues relating to disability.

Procedure

14.0 Attendance Review Meetings (Long-term absence) - General

- 14.1 Kaleidoscope recognises that the intervals between meetings with an employee may vary according to the specific circumstances and requirements of the individual case. Similarly the number of meetings required in managing an individual's long term absence may also vary. For example, if it is clear from an early stage that an employee will not be fit to return to their job for a prolonged period or is eligible for ill health retirement, then it may be appropriate for the School to progress a case to a Governor Panel / Capability (Health) Hearing, without the usual number of Attendance Review Meetings.

14.2 Therefore the timings and frequency of meetings referred to within the procedure are a guide only and may be varied at the discretion of the Headteacher/Executive Headteacher/Head of School (or their representative).

14.3 The employee will be given 5 working days notice of the date of meetings held under this procedure and will be entitled to be represented by their trade union or a work colleague. The outcome of meetings will be confirmed to the employee in writing.

15.0 Medical Information

15.1 The School will determine, in consultation with the employee, when there is a requirement to seek a medical view of the employee's condition and how this affects the employee's ability to undertake their duties and responsibilities within the school environment.

15.2 Where an employee does not agree with the medical view provided he/she can ask for their case to be reviewed by a different occupational health Doctor at their own expense.

15.3 The School will take account of all information provided before reaching any decision to dismiss on the ground of capability (health).

16.0 Initial Assessment

16.1 When an employee's sickness absence **exceeds 4 consecutive working weeks** the Headteacher/Executive Headteacher/Head of School (or nominated representative) will (if he/she has not already done so) establish contact with the employee to:-

- Clarify the nature of the employee's medical condition and the employee's views on how this affects their ability to undertake their duties and responsibilities.
- Confirm the expected duration of the absence and discuss a possible return to work date;
- Establish how contact will be maintained with the employee whilst they remain absent from work;
- Discuss any concerns or issues that either the Headteacher/Executive Headteacher/Head of School (or representative) or the employee has regarding the absence;
- Seek the employee's views on what support would facilitate their return to school and

- Establish a review period over which the Headteacher/Executive Headteacher/Head of School (or nominated representative) will continue to monitor the employee's absence.

17.0 First Attendance Review Meeting

17.1 If the employee has not returned to work within the review period the Headteacher/Executive Headteacher/Head of School (or their representative) will arrange a First Attendance review meeting with the employee to discuss the ongoing long term absence.

- 17.2 This meeting will provide the opportunity for the employee to update the School on their medical condition and how this may continue to affect his/her ability to return to work. In addition those matters discussed as part of the initial assessment will be re-visited with the employee
- 17.3 A further review period will be determined by the Headteacher/Executive Headteacher/Head of School (or nominated representative) in consultation with the employee. The length of this review period may be changed at the discretion of the Headteacher/Executive Headteacher/Head of School (or their representative), where for example relevant additional information is made available regarding the employee's medical condition and/or fitness to return to work.
- 17.4 Where the employee returns to work during this review period, the Headteacher/Executive Headteacher/Head of School (or nominated representative) will arrange a return to work meeting with the employee in accordance with the School's normal arrangements.

18.0 Second Attendance Review Meeting

- 18.1 If the employee does not return to school by the end of the review period, the Headteacher/Executive Headteacher/Head of School (or nominated representative) will arrange to meet with the employee to review the ongoing long term absence.
- 18.2 This meeting will be conducted along similar lines to the First Attendance Review meeting; however the School will seek to establish with the employee a clear understanding regarding the implications arising from the ongoing absence on the employee's employment position. This will involve exploring with the employee all options, which could include:
- reasonable adjustments to the employee's job or working arrangements e.g. provision of aids or adaptations or change in hours;
 - phased return to work;
 - temporary or permanent medical redeployment; and
 - ill health retirement (where the employee is a member of the Local Government Pension Scheme (Avon Pension Fund) or Teachers' Pensions).
- 18.3 Where reasonable adjustments and all options have been explored and these will not resolve the employee's continuing long term absence, and the employee's absence is likely to continue for 'the foreseeable future' and / or a period which the School is unable to support, a decision may be made to refer the employee's case to a Governor Panel / Capability (Health) Hearing for consideration of dismissal on the grounds of capability (health).

19.0 Governors Panel / Capability (Health) Hearing

Note: in cases where ill health retirement has been granted, the hearing may be conducted by one governor rather than a Governor Panel.

- 19.1 The employee will receive at least 10 working days written notice of the date of the Capability (Health) Hearing.

- 19.2 The invite letter will:
- state the time, date and venue for the hearing;
 - outline the composition of the Capability (Health) Governor Panel
 - outline the nature of the issue to be considered at the hearing;
 - inform the employee of their right to be accompanied by a trade union representative, representative, official employed by a trade union or a colleague; and
 - inform the employee of the possible outcomes of the meeting, including dismissal on the grounds of capability (health).
- 19.3 At least 10 working days prior to the date of the Hearing, the management representative presenting the case at the hearing will provide the employee and the Governor Panel, with hard copies of any supporting written documentation to be presented at the Capability (Health) Hearing and confirmation of the names of any witnesses to be called.
- 19.4 At least 5 working days prior to the date of the hearing, the employee must provide the Management Presenting Officer and the Governor with hard copies of any written documentation they intend to present in support of their case and confirmation of the names of any witnesses they intend to call. These timescales may be varied with the mutual agreement of all relevant parties, including the Chair of the Governor Panel.
- 19.5 The Governor Panel may decide:
- to allow a further period of review and to consider the case again after a specified period of time;
 - to dismiss the employee on the grounds of capability due to ill health.
- 19.6 The employee will be informed of the outcome of the hearing in writing, including confirmation of the length of any further review period and the reasons for this, as soon as possible and within 5 working days.

20.0 Right of Appeal

- 20.1 All employees have the right of appeal against a decision to dismiss on the grounds of capability (health). The appeal must be lodged in writing (clearly setting out the grounds upon which the appeal is being made), to the Chair of Governors within 10 working days of the date of the letter confirming the decision to dismiss. An appeal will be considered by a Governor Appeals Panel comprised of governors who have not had any involvement in previous stages of the Attendance Management procedure.
- 20.2 The employee will be informed of the outcome of the appeal in writing as soon as possible and within 5 working days.
- 20.3 The decision of the Appeal Panel is final and no further internal appeal will be allowed.

SECTION C - GENERAL PROVISIONS

21.0 Procedural Timescales

21.1 Any specified timescales can be varied through the agreement of the Headteacher/Executive Headteacher/Head of School (or nominated representative) and the employee.

22.0 Managing Combined Absences of Short Term and Long Term

22.1 Where an employee's pattern of absence includes both periods of short term and long term absences, the School will apply the same principles in managing the case and the action taken will depend on the overall impact that the employee's combined short-term and long-term absence is having on the School. This will mean that long-term absences will be taken into account when establishing whether one of the triggers used in managing short term absence has been reached. Discussions with the employee regarding their level of attendance will cover both the employee's short term absences and long term absences.

22.2 The employee will be made aware of the procedure being followed in such cases.

23.0 Attendance at Meetings and Recording of Meetings

23.1 Employees are required to make all reasonable attempts to attend meetings and interviews convened under the Managing Attendance Procedures. If it is not reasonable or practicable for an employee or their companion (see right to be accompanied) to attend a managing attendance meeting, including the governor's panel / Capability (Health) Hearing for a reason which was not foreseeable when the meeting/hearing was arranged, one further meeting/hearing will be arranged to a time proposed or agreed by the employee provided that the alternative time is reasonable. Should the employee not attend a re-arranged meeting/hearing the meeting/hearing will continue in the absence of the employee. Employees will be offered the opportunity to be represented in their absence or make a written submission.

23.2 Employees and / or their representatives are not permitted to record electronically any meeting held informally or formally under this Policy. This is to encourage openness and full participation by all parties during meetings. Any breach of this provision may lead to disciplinary action against the employee concerned, up to and including dismissal.

23.3 Where exceptional circumstances apply (such as the current coronavirus pandemic) and following consultation and agreement from all the parties, meetings may be conducted remotely using information technology and consideration should be given to doing so. The hearing and appeal hearing may be recorded electronically by the note-taker to provide a back-up for minute taking provided all parties present at the hearing give their agreement to this at the start of the meeting. The electronic recording must be deleted by the note-taker promptly following the meeting once the minutes have been finalised. Confirmation that the deletion of the electronic recording of the minutes has taken place must be provided in writing by the note-taker to the Chair of the Panel. Until government guidance relating to the coronavirus pandemic changes, where meetings are face-to-face, they

should be conducted in line with the safe working practices in the school including social distancing measures.

24.0 Right to be accompanied

24.1 The employee has the right to be accompanied by a trade union/professional association representative, representative, official employed by a trade union or a work colleague (not acting in a legal capacity) at any of the meetings held under the Managing Attendance Procedures. The employee does not have an entitlement to be accompanied at a 'return to work discussion'. The employee must inform their Headteacher/Executive Headteacher/Head of School or representative who their chosen companion is prior to any meeting.

25.0 Confidentiality and Records

25.1 All individuals involved in the process of attendance management have a responsibility to maintain the confidentiality of personal information in their possession.

25.2 Records of Managing Attendance Hearings and Appeal Hearings will be kept detailing:

- the reason for the hearing being convened
- the outcome of the hearing and the reasons for it
- whether an appeal was lodged, and its outcome

25.3 All records related to the management of this Policy, including any OH Reports, other medical information, the outcomes of all meetings and other contact with employees under this Policy will be kept confidentially and securely and access will be restricted at all times to those who are directly and necessarily involved in managing the employee's absence or attendance. Securely means in a locked or otherwise secured room or cabinet to which only authorized employees have access or, if the records are electronic, ensuring that access is restricted to authorized personnel through robust password or equivalent protection.

25.4 These records will be processed and retained in accordance with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

26.0 Return to work discussions

26.1 Kaleidoscope recognises that 'return to work discussions' are important in facilitating good attendance. It is important to ensure that a discussion is held with the employee following periods of sickness absence to ensure that the employee is supported back to work and to enable any preventative action to be taken to help minimise the potential for further sickness absence.

27.0 Equal Opportunities

27.1 Kaleidoscope is committed to following its obligations to ensure that employees are not discriminated against on the grounds of race, age, gender, disability, sexual orientation, religion or belief, gender reassignment, marriage and civil partnership and pregnancy and

maternity when implementing or dealing with any matters under the school's Managing Attendance Policy.

28.0 Equality Act 2010

28.1 Where an employee is known to have a 'disability' Kaleidoscope School's will consider 'reasonable adjustments' to the job, the working arrangements, or premises to try and facilitate an improvement the employee's attendance. In line with the policy sickness triggers may be reviewed and disability related sickness taken into account. The Schools will seek appropriate advice where it is established, through discussion with the employee, that this might be needed to ensure that all potential reasonable adjustments are fully explored. Where reasonable adjustments are implemented the School will arrange to review with the employee their impact on the employee's attendance levels.

29.0 Risk Assessments

29.1 In cases where it is established that work related factors may be impacting on an employee's health condition and consequentially their level of attendance, the School will carry out a risk assessment in consultation with the employee to ensure that hazards are identified and appropriate control measures put in place. This may identify wider organizational factors which will need to be explored and addressed.

30.0 Employee's Continued Failure to Maintain Contact/Certify their Absence

30.1 The School expects, subject to any incapacity caused by the sickness absence, an employee to respond in a timely manner to any communications from the School and attend absence management meetings as required. Similarly the School expects an employee to adhere to the Schools Absence reporting Procedure. If an employee repeatedly fails to respond to communication from the School or to ensure that their absence is appropriately certified by their GP (that is, using a 'fit note' if the absence is over 7 calendar days and thereafter including during periods of school closure), disciplinary action may be taken against them. For guidance on 'fit notes' please see the 'Managing Attendance – Fit Notes' guidance sheet that accompanies this Policy

30.2 *Note: Failure to follow / co-operate with the Managing Attendance Policy on the part of employees will be taken seriously and may result in sick pay being withheld and / or action being taken under the Disciplinary Policy. Sick pay will be withheld if the employee fails to notify the School of the reason for their absence, fails to supply fit notes, or refuses to attend an occupational health meeting when well enough to do so.*

31.0 Medical Suspension

31.1 If a member of staff returns to work having being signed fit by their GP, but the Headteacher/Executive Headteacher/Head of School / manager has serious concerns that they are still unfit for work and/or they pose a health and safety risk to themselves, other staff or pupils, the individual will be sent home on the grounds of "medical suspension." *[This is not the same as being suspended under the disciplinary*

procedure]. They could be asked to return to see their GP and / or an urgent appointment could be arranged with the School's occupational health provider.

- 31.2 During the period of medical suspension and prior to receipt of the medical opinion from occupational health, the member of staff will receive their normal salary paid by the School. The period of medical suspension will end when a view is given by occupational health about the fitness of the individual to return to work. If occupational health confirms that the individual is not fit to return to work, sickness absence payments will apply for any further period of absence, which will be classed as continuous.
- 31.3 In the rare scenario that the individual's GP disagrees with the view of occupational health, the individual will continue on medical suspension until the disagreement is resolved. This may involve seeking a third independent medical opinion.

32.0 Sickness Absence During Other Formal Procedures

- 32.1 If an employee is absent from work due to ill health whilst they are subject to a formal procedure e.g. disciplinary or grievance, the formal procedure will continue to apply during the sickness absence. All reasonable efforts will be made to adjust the process to enable the employee to attend or be represented by a Trade Union representative or a work colleague at any meetings or hearings. Employees may be asked to attend an Occupational Health appointment to determine their fitness to attend a formal meeting or hearing. If the absence is likely to last for an extended period, the meeting/hearing may proceed without the employee's attendance.

33.0 Sick Pay and Insurance Claims for Loss of Earnings

- 33.1 If an employee is absent as a result of an accident outside of work, damages may be claimed from either the individual's or the third party's insurance to cover for loss of earnings. In this event, the school will pay the employee sick pay under the Occupational Sickness Payment Scheme, subject to the employee undertaking to refund to the School the total amount of such payments (if the amount paid by the insurance company for loss of earnings equals or exceeds the amount paid in occupational sick pay) or the appropriate proportion of the amount of such payments (if the amount paid by the insurance company for loss of earnings is less than the amount paid in occupational sick pay). Any period of absence where the employee fully refunds the occupational sick pay they received shall not be recorded for the purposes of sick leave entitlement. Where the employee only refunds part of the occupational sick pay they received, the School has the discretion to decide to what extent, if any, the period of absence may be recorded against the sick leave entitlement.

34.0 Terminal Illness

- 34.1 For guidance in relation to where an employee has a terminal illness, please see the 'Managing Attendance – Terminal Illness' guidance sheet that accompanies this Policy.

APPENDIX 1

Expectations of Employees

We expect all employees to support their own health and that of their colleagues by:

- maximising attendance including through taking reasonable care of their health and seeking medical help whenever appropriate;
- informing the Headteacher/Executive Headteacher/Head of School / manager of any medical condition which might affect their attendance or performance at work, or put themselves, pupils, other workers or members of the public at risk;
- informing the Headteacher/Executive Headteacher/Head of School / manager of any health issue or disability where they consider this might require reasonable adjustments to be made in the work situation or any work situations which could adversely affect their health;
- informing the Headteacher/Executive Headteacher/Head of School / manager if they are taking medication that affects their ability to carry out their job / role;
- raise concerns about levels of stress at the earliest opportunity and before this leads to sickness absence;
- reporting any work-related accident or injury immediately to the Headteacher/Executive Headteacher/Head of School / manager and making an entry in the accident reporting book;
- reporting any absence to the Headteacher/Executive Headteacher/Head of School / manager or other designated individual at the earliest opportunity and wherever possible before 8am on the day of absence and complying with the school's reporting procedures for sickness absences (employees should not leave messages with colleagues);
- keeping the Headteacher/Executive Headteacher/Head of School / manager informed of progress while on sickness absence and of their likely return to work date;
- ensuring that the school has up-to-date contact details for them;
- completing a self-certification form or submitting a medical certificate ('fit note') from their doctor promptly, as appropriate (please note that a doctor's certificate is required for all absences of 8 consecutive days or longer and that doctor's certificates must continue to be provided by employees in relation to periods of school closure. If an employee is assessed as being fit to return to work by their doctor during any period of school closure the employee must provide the doctor's certificate signing them as fit to return from the relevant date. On occasion, a line manager may require an employee to obtain a letter or note from their doctor for absences spanning less than eight days);
- not to unreasonably withhold consent for the school to have access to any occupational health report / advice;
- being contactable / keeping in contact whilst absent,
- attending any meetings with the Headteacher/Executive Headteacher/Head of School / manager and any appointments with the Occupational Health Service, as appropriate;
- co-operating with any recommendations made by their GP or occupational health in order to facilitate their return to work;
- otherwise adhering to the Managing Attendance Policy and Procedures and adhering to the sickness payment scheme.

Failure to meet expectations may lead to disciplinary action being taken.

Expectations of Headteacher/Executive Headteacher/Head of School / managers

The Headteacher/Executive Headteacher/Head of School and managers have primary responsibility for the health and well-being of all / or identified employees and for the day-to-day management of attendance in school. We will follow the Policy and support employees and manage attendance in the following ways:

- ensuring that new employees have completed a Pre-Employment Medical Enquiry Form, and, if necessary a pre-employment health questionnaire and where required by the Education Health Standards (England) Regulations 2003 are considered medically fit by the school's occupational health provider to carry out their jobs;
- ensuring that employees receive appropriate induction training and fully understand their roles;
- ensuring that everyone knows and understands their responsibilities under the Managing Attendance Policy and Procedures;
- identifying work-related health problems;
- promoting and taking steps to support a reasonable work/life balance;
- recognising and encouraging good attendance;
- where relevant, informing employees about the services of the school's occupational health provider and any employee assistance service available;
- informing employees about the reporting sickness absence and managing attendance procedures and applying them fairly and consistently;
- measuring overall sickness absence and recording and monitoring sickness absences of individual employees and take action when an individual employee's attendance is causing concern and to provide regular reporting to Governors;
- intervening at an early stage to actively support an employee showing signs of ill health, especially stress, to prevent a deterioration in their health and a long-term absence;
- arranging to maintain reasonable contact with employees on sickness absence in a sympathetic way;
- conducting return to work discussions with employees following sickness absence to support their return to work and holding the necessary attendance and absence review meetings under this Policy;
- carrying out risk assessments and as appropriate considering reasonable adjustments to an employee's job or workplace to help them to return to or remain at work, particularly in accordance with any identified disability / being aware of their responsibilities under the Equality Act
- ensuring Payroll notified as required of an employee's absence, annual leave periods, return to work and any deductions to sick pay.

Expectations of the Local Governing Body

The Trust Board has responsibility for ensuring the health and wellbeing of employees, they have delegated the management of this to the Local Governing Body. In line with this governors will ensure that the school follows the Kaleidoscope policies and procedures to meet its responsibilities. Governors are also empowered to take decisions on dismissing employees on health capability grounds and to consider appeals against such decisions.

In relation to absences of the Headteacher/Executive Headteacher/Head of School:

- To have a nominated Governor to ensure regular contact is maintained with the Headteacher/Executive Headteacher/Head of School during any periods of long term absence.
- To ensure that Headteacher/Executive Headteacher/Head of School absences lasting longer than a month are notified to the CEO in order that support to the Headteacher/Executive Headteacher/Head of School can be offered if required.
- If necessary, to work in conjunction with the CEO if there are any concerns about the sickness absence of the Headteacher/Executive Headteacher/Head of School and if necessary to work in conjunction with the CEO to support the Headteacher/Executive Headteacher/Head of School to improve their attendance.
- To ensure there are appropriate arrangements in place for covering the work of the Headteacher/Executive Headteacher/Head of School.
- To ensure Payroll notified as required of the Headteacher/Executive Headteacher/Head of School's absence, annual leave periods, return to work and any deductions to sick pay.

Other responsibilities:

- To monitor sickness absence data and support the Headteacher/Executive Headteacher/Head of School in identifying trends/patters of absence to inform school policy.
- To ensure that the Absence management policy is being applied appropriately and consistently.
- To participate to Governor Panels / Hearings and Appeal Panels.
- To ensure an overview of the health and wellbeing of employees, making recommendations to the Headteacher/Executive Headteacher/Head of School, where appropriate.

All our policies and guidance can be found at www.supportservicesforeducation.co.uk



Trustee Board Chair

14/6/23