Attendance Management Guidance
The Dales School

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Section	Contents
1	**Scope**
2	**Roles and responsibilities**
3	**Attending work when unwell**
4	**Contact during absence**
5	**Self-certification, fit notes and record keeping**
6	**Medical referral**
7	**Return to work meetings**
8	**Short term absence**
9	**Long term absence**
10	**Phased return to work**
11	**Medical redeployment and ill health retirement**
12	**Attendance panel**
13	**Formal meeting**
14	**Appeals**
15	**Equality Act 2010 – reasonable adjustments**
16	**Workability passport**
17	**Work related stress**
18	**Further sources of support**
19	**Further guidance**

1.1 Scope

1.2 The current educational climate indicates ongoing change at a significant pace for delivery of high-quality teaching in a rich learning environment. The School values all members of staff and their health and well-being is important. There are occasions when health related circumstances cause sickness absence, and the Attendance Management policy and guidance enables staff to be appropriately supported within a procedural framework that provides for best management practice. The policy and related guidance have been developed for both managers and employees to increase transparency and encourage dialogue.

1.3 Where reference is made to 'Manager' within this policy, this could mean Principal, Headteacher, line manager, Head of Department/Faculty, Business Manager, or Governor, subject to delegation and authority for decision making within school.

1.4 Staff may be accompanied by a recognised trade union representative/professional association or work colleague at any formal meeting

held in line with the Attendance Management policy (including attendance consultation meetings, long term sickness review meetings, panel hearings and formal meetings outside of the panel process). Where an employee intends to be accompanied the manager should establish the status of the person accompanying the employee before the start of the meeting. A work colleague is allowed to accompany the employee unless there is a risk that the colleague may be compromised. If this is the case the employee should be asked to find a suitable alternative colleague to accompany them.

1.5 Managers are advised to contact NYES HR for further advice and support in the implementation of this policy. Support is available for individuals as outlined in this guidance, and also from Trade Union Representatives.

2.1 Roles and Responsibilities

2.2 Managers' responsibilities

2.3 Managers will embed a clear procedure outlining whom employees must contact in the event of an absence due to illness, any relevant timescales, and the procedure if the employee is unable to contact the School themselves.

2.4 In cases where an employee is unable to attend work for reasons related to ill health, the manager will ensure that they:

- treat the individual concerned with empathy and understanding;
- treat matters related to ill health with confidentiality;
- encourage attendance by early intervention in attendance issues and seeking positive solutions;
- establish effective communication to ensure all employees are aware of reporting procedures and their responsibilities relating to the attendance management guidance.
- conduct return to work updates promptly after each absence, clarifying the reasons for absence and offering appropriate support;
- seek medical advice where appropriate, via medical practitioners and health and well-being services, according to service agreements;
- utilise and promote support available as may be appropriate to the individual and their illness, including stress risk assessment
- create and maintain accurate records of all absence (which could affect occupational sick pay);
- where absence is attributable to an accident at work implement the School's accident at work reporting procedures;
- maintain accurate and up to date return to work documentation (including risk assessments undertaken);
- monitor trends, patterns and reasons for absence, using management information held in School;
- treat as misconduct any abuse of the attendance management policy in line with the School's disciplinary policy;
- report attendance information through team structures within the School leadership team to enable strategic management and ownership.
- Investigate the circumstances of any employee absence attributed to any accidents / assaults / injuries / diseases which may have arisen during the course of the employees' duties

- Remain in contact with employees during their absence, agreeing methods and frequency of contact.

2.5 **Employees' responsibilities**

2.6 Employees will ensure that they;

- Familiarise themselves with and follow the School procedure for reporting illness and absence from work, due to their ill health.
- Notify their manager as soon as possible of any planned absences in line with the School's reporting procedure (e.g. where confirmation of planned hospital admission has been received) so that +discussions can take place concerning workloads, anticipated length of absence and any return to work considerations.
- Remain in contact with their manager during their absence, be contactable by agreed methods and frequency, and participate in discussions/meetings as required. Employees who continually fail to keep in touch without good reason may lose their entitlement to occupational sick pay and may have their level of absence considered under the School's disciplinary policy.
- Attend any medical appointments, such as occupational health appointments, and reviews arranged for them by health and well-being partner services, subject to consent being agreed as applicable.
- Complete and submit a self-certification form upon their return to work (for absences of seven calendar days or less).
- Engage in return-to-work meetings.
- Submit a fit note at appropriate intervals to cover the absence (for absences exceeding seven calendar days). Fit notes must be submitted to line managers by as soon as possible after they have been issued.
- Do not undertake any leisure, sporting or other activities that could negatively impact on their recovery and return to work.
- Do not embark upon any paid employment on days when they should be working for the School. Doing so may be considered a disciplinary issue.
- Report to their line manager as soon as practicable any absence that is attributed to an accident, assault, injury or disease whilst undertaking the duties of their post. An accident / incident report must also be completed at this point for submission for appropriate health and safety risk management and health and safety.

3.1 Attending work when unwell

3.2 If an employee attends work and is clearly unwell but insists on staying at work the manager should contact the School's Health and Well-being partners, such as occupational health for further advice. If the employee is unfit but refusing to seek certification from their GP/health care professional then a risk assessment should be undertaken and the following could be considered:

- Temporarily adjust the employee's duties, working conditions and / or hours of work if appropriate;
- Offer suitable alternative work, within the remit of the employee's role, if any is available; or
- Suspend the employee from work for as long as necessary to protect their safety and the safety of others. Any medical suspension implemented should be reviewed regularly.

3.3 The measures taken to avoid the identified risk must continue for as long as this risk continues to exist. Suspension from work on medical grounds should only be undertaken as an option of last resort, and it is strongly advised that you seek advice from NYES HR in relation to any potential medical suspension. Any employee suspended under the Health and Safety regulations must receive their full pay (up to a maximum of 26 weeks).

3.4 **Becoming unwell during working hours:**

3.5 If an employee attends work and becomes unwell whilst at work and requests to go home part way through a shift, the manager should agree with the employee how the absence will be recorded in the event that the absence is less than half a day. This may be by:

- Reaching agreement for the employee to make the hours up at another time.
- Keeping a record of the actual absence time. This allows the absence to be accurately monitored and avoids the masking of an absence issue.

3.6 **Working from home:** In most cases if an employee is too ill to report for work then it is likely they are too ill to work from home and therefore their absence should be recorded as sickness. However, if this is not the case and the employee requests to work from home as an alternative, and the manager is confident that the duties can be effectively delivered from home, they have discretion to allow this. There should be no expectation that employees will work from home if they are not well enough to do so.

4.1 Contact during absence

4.2 During the initial telephone notification the manager will want to seek as much information as is appropriate to support their planning for the employees absence. As such, the following checklist is proposed as matters to discuss and clarify during the initial conversation (see also Attendance Management Toolkit):

- Nature of sickness absence
- When the sickness began
- Expected date of return to work
- Any relevant information about current workload e.g. appointments, work deadlines, sharing pre-planned tasks etc., subject to circumstances of the absence. This will help managers to plan for ongoing work to be done and ensure continuous educational provision
- Telephone number to return the call, particularly if the manager is unavailable
- If other forms of support would be appropriate at this stage, such as contact with Health and Well-being partners (see also template Health and Wellbeing Letter)
- If the employee has planned annual leave that is likely to be affected by the period of sickness absence this should be discussed. If the manager decides that the annual leave is to be considered as sick leave, then the employee will need to provide a fit note to cover the period.
- The manager should also seek to agree the nature and frequency of further contact with the employee, subject to the circumstances.

4.3 If the employee states that their absence is due to an accident at work, the manager must ensure that an accident form is completed and follow the School's

Health and Safety reporting arrangements. If the employee is still unfit for work after three days, they must contact their manager again in order to provide an update and, if possible, an indication of when they are likely to be fit to return.

4.4 In the cases of long-term absence, the manager should establish and agree at the outset the method and frequency of further contact with the employee. The purpose of further and ongoing contact is to enable the manager to enquire of the employee's health, explore what support may be provided to support the employee during their absence and in a return to work, keep communication channels open, discuss the attendance management policy as appropriate to the individuals' circumstances, consider arrangements and timescales for an effective return to work and, as appropriate, keep the employee up to date with developments at work.

4.5 A record of all contact should be made for telephone conversations and face to face meetings.

4.6 *GOOD PRACTICE: Is the absence related to a disability (including a mental health illness)? If so discuss if additional support is needed and signpost employee to Health and Well-being partners as appropriate (see section on Equality Act2010).*

5.1 Self-certification, fit notes and record keeping

5.2 Following notification of the absence, the School should report this to their payroll provider.

5.3 Managers and employees need to ensure that every day of a period of absence is covered either by a self-certification sickness form or a fit note.

5.4 An employee who is off sick for seven days or less (including weekends) must complete a self-certification form to cover every day of absence, including half days. This can be done prior to, or on their return to work. The manager retains the form and follows School absence reporting procedures. A template self-certification form can be found in the Attendance Management Toolkit.

5.5 For those periods of absence of up to seven calendar days a manager reserves the right to request a fit note if this is deemed appropriate in managing the employee's attendance. The School will pay any fees associated with obtaining fit notes from GPs where these have been requested by the school.

5.6 For sickness absences of eight days or more (including weekends) a fit note is needed. This should be sent by the employee to the manager following issue by a registered healthcare professional which is limited to a Nurse, GP, Physiotherapist, Occupational Therapist and Pharmacist (please note Occupational Health cannot provide fit notes). Upon receipt the manager records details of the medical fit note, a copy is placed on the personnel file, and the original is returned to the employee.

5.7 The fit note ("Statement of fitness for work") will advise either:

- That the employee may be fit for work with adjustments or
- If it is not possible for adjustments to be provided as recommended by the healthcare professional then the medical statement (fit note) should be used

as if the healthcare professional had advised not fit for work. The fit note will clearly state the length of time the medical statement is to cover and will also state clearly if the employee needs to be reassessed at the end of this period.

5.8 Please note the employee does not need signing 'fit' from a healthcare professional prior to return unless the original fit note states that they must be reviewed before coming back to work.

5.9 If an employee is absent from work through sickness and has not notified their manager as outlined previously, or does not provide the appropriate fit note, the absence will be regarded as unauthorised and therefore the absence may be unpaid and may be regarded as a conduct issue, subject to the School disciplinary policy.

5.10 Any sickness absence relating to a disability is recorded separately as disability related sick leave, where the School has allocated additional days to the individual (see section 15).

6.1 Medical referral

6.2 Consider obtaining occupational health advice or making a referral to health and well-being services if any of the following apply:

- If you feel health is affecting an employee's ability to work, attendance or performance at work, and this cannot be resolved through normal line management.
- When the employee is absent from work with mental health issues or stress, or an individual stress risk assessment has been carried out, and further medical advice is required.
- In complicated cases where the manager feels they need medical information to make a decision.
- Following receipt of a fit note where the registered healthcare Professional recommends an occupational health assessment.
- Where work may be a contributory factor affecting an employee's health and an appropriate risk assessment has been carried out.
- In the case of work related injury / accident.
- Where there is suspected drug or alcohol abuse.
- In order to progress ill health retirement where required by pensions procedures.
- Where the manager feels they have discussed the issue with the employee and introduced adjustments yet no improvement in attendance or progress has been made.

6.3 If the absence is due to a medical condition for which the employee is receiving specific treatment, or is due to discuss a treatment plan, or commence this shortly, it may be beneficial to wait to refer to Occupational Health until the treatment plan has been well established. If appropriate, explore routes of support including GP, community support, counselling, and employee assistance programmes (for example, Health Assured).

6.4 Managers should ensure that the employee is made aware that the report produced following their Occupational Health review will be shared with a HR Adviser during the attendance management process.

6.5 Where an employee has multiple employments (internal or external to the School), managers are advised to seek medical advice from health and well-being partner services regarding the fitness for work relating to all the roles. This will ensure that undertaking one role is not detrimental to the recovery of the individual.

6.6 Situations for managers to consider where medical referral may not be required:

- If the manager is able to discuss return to work with employees based on the information on the fit note.
- For personal issues that are not impacting attendance. Employees should be encouraged to self-refer to the employee assistance programme, *if applicable*.
- For advice on health issues which do not impact on work. Seeing a GP would be the appropriate route here.
- Where the manager has compelling evidence to suggest that reported illness is not genuine. In this case it may be appropriate to consider the schools' disciplinary policy, and contact NYES HR for advice.
- Where full recovery or return to work is likely in the imminent future.
- Managers can also contact their HR Adviser to discuss employment related health issues, for example if the manager is unsure whether to refer to Occupational Health.

Details below are relevant to NYES Occupational Health Services:

To refer your employee to occupational health, you need to complete and submit a referral form. To access the form and guidance on the referral process, this can be accessed on the HR page of CYPS info. It is important to discuss the reasons for the referral with the employee as the detailed content will be discussed directly at the occupational health appointment. The employee needs to be aware that any agreed report will be shared with a HR Adviser supporting the attendance management process.

7.1 Return to work meetings

7.2 The manager will hold a return to work meeting (see 'Attendance Management Toolkit') on the day of return from absence or as soon as possible thereafter, following each absence. The discussion is informal and supportive and is designed to enable the manager to better understand the reason for the absence. It is an opportunity to explore whether there are any underlying reasons for absence and what support could be provided. A record of the meeting will be held as is appropriate.

8.1 Short term absence

8.2 Where the absence has been for seven days or less, the manager should give the employee the self-certification form to complete and sign. There is allocated space on the back of the form for the manager to make a brief note of the return-to-work meeting. There should be discussion on whether attendance management triggers

have been reached, and if so what action is to be taken as a result e.g. whether an attendance consultation meeting will be arranged.

8.3 Attendance management consultation meetings

8.4 An attendance management consultation will usually be arranged where one or more of the attendance management triggers have been met (as outlined in the Attendance Management Policy).

8.5 Managers should always consider each case on its merits, and there may be circumstances where, due to the nature of the individuals' condition, two occasions of absence due to the same illness but over a period greater than a week may be considered one occasion for the purpose of absence triggers.

8.6 The manager should arrange the attendance management consultation without unreasonable delay. This will follow open dialogue during previous return to work meetings, and therefore should not come as a surprise to the employee.

8.7 The employee will be given reasonable notice in writing of the attendance consultation meeting and the reason the meeting has been called (template Invite to Attendance Consultation Meeting is recommended). The employee should be advised that the attendance consultation meeting is being held under the attendance management policy and procedure. Managers will have discretion not to arrange an attendance consultation meeting in exceptional circumstances, for example where treatment is underway for life threatening illness. Where this occurs a brief note should be made and placed on file for reference purposes.

8.8 Items to discuss at the meeting:

- Update on absence - looking at patterns of absence, or any underlying reasons for absence (including identifying whether there may be an underlying disability);
- Undertake an individual stress risk assessment if required;
- Referral to / update from Health and Well-being partners, e.g. occupational health if relevant;
- Any reasonable adjustments or additional support required;
- Confirm duration of review period (3 months);
- Look at other policies which may help (e.g. flexible working, job share, flexible retirement etc.) Set appropriate improvement targets.

8.9 The manager should record the content of the attendance consultation meetings and any improvement targets set in the discussion (template Outcome of Attendance Consultation Review meeting letter is recommended). Improvement targets should exclude any regular non-working weeks, i.e. school holiday periods for term time or teaching employees.

8.10 ***GOOD PRACTICE:*** *The School will determine a consistent approach to setting appropriate improvement targets and where possible agreed with the employee. Considerations could include clarifying expectations and requirement for improving attendance subject to individual circumstances, using team absence levels, broader School absence levels or a fixed number of days*

8.11 Regular interim review meetings during any monitoring period will ensure appropriate support is discussed, providing an opportunity for advice to be given and progress monitored. Any action plan in place can be reviewed and updated in writing, providing opportunity for transparent discussion and confirmation regarding any further procedural steps. The employee will be informed of any review meetings and the possible outcomes in writing within a reasonable timeframe.

8.12 If after three months of monitoring, the employee has achieved the targets set, a meeting will be held to confirm that no further action is required (Outcome of Attendance Consultation 3 Month Review letter).

8.13 Formal notification

8.14 A formal notification is given when the employee has not met the targets set in the initial three-month review period, or there are further lapses in attendance within six months of the review period ending. The formal notification period will last for three months during which monthly review meetings will be held**.** In exceptional circumstances, subject to provision within the policy, the manager may wish not to issue formal notification, however they must make a note on the file. During this process Managers may seek medical advice, subject to the circumstances involved and discuss the advice received with the employee to ensure open and transparent conversation.

8.15 Following the three-month formal notification period, another attendance management consultation meeting is held. At this meeting there are three possible outcomes:

1. Satisfactory progress has been made and targets have been achieved, marking an end to the process. However, this will be on the understanding that if there are further relapses in attendance within six months of the monitoring end date, the manager will issue final notification.
2. The employee has not achieved the targets set, and subject to discussion with the employee, a final notification is issued as part of the meeting.
3. In exceptional circumstances - a decision may be made to extend the monitoring period by a maximum of one month and the action plan updated.

8.16 The outcome of all meetings should be confirmed in writing, and template letters are available from the NYES HR portal. (Outcome Formal Notification Review Meeting letter is recommended).

8.17 Final notification

8.18 The duration of final notification is for a period of six months during which time regular reviews will take place, where appropriate. The employee will be informed of each of the review meetings and the possible outcomes in writing within a reasonable timeframe. (Outcome Final Notification Review Meeting Letter is recommended).

8.19 If the employee has achieved their targets, a further attendance consultation meeting is held at the end of the six month final notification period and final notification expires. However, this will be on the understanding that if further

relapses in attendance occur within six months of expiration of the final notification, the case may be progressed to panel.

9.1 **Long term absence**

9.2 During long term absence, regular sickness review meetings should be held, subject to nature of the employee's illness (for example if they are currently receiving treatment for life threatening illness or receiving intensive therapy associated with mental health), medical information or pending appointments or medical assessments. The employee must receive an invitation to the review giving them notice of the time and place of the review (Invitation to Sickness Absence Review Meeting Letter). This meeting is to:

- Enquire after the employee's health and well-being, exploring routes of support for the employee;
- Discuss the School's attendance management policy and procedure;
- Discuss any expected return to work dates, or reasonable adjustments that may facilitate a safe and healthy early return to work;
- Discuss referral to health and well-being partners, such as occupational health for medical advice; and
- Make arrangements for further meetings.

9.3 Where an employee is planning to return to work following a prolonged period of absence, managers should give due consideration to the following to support and facilitate a return to work.

- Phased return to work
- Reasonable adjustments
- Change of working hours, part time or reduced hours either temporarily or permanently
- Use of unpaid leave
- Flexible working
- Redeployment (if recommended by medical advisors, or as a further reasonable adjustment where other reasonable adjustments to the role have failed or cannot be accommodated).

10.1 **Phased return to work:** A phased return is to allow an employee who becomes fit for work after a long term absence the opportunity to gradually return to normal duties over an agreed period, normally no longer than four working weeks, subject to medical advice, and discussion with the employee and manager. This may enable the employee to return earlier than expected. Length of the absence itself is not the only factor to be taken into account as it must also be considered alongside the nature of the illness, recovery period and the type of job. Managers must use their judgement to balance the needs of the individual against the needs of the School, and should take advice as necessary from NYES HR and Health and Well-being partners, such as occupational health. *See* Prolonged Absence Return to Work Agreement Template and consider any appropriate risk assessments . The pattern of working and any adjustment to duties should be agreed in advance of any return. A phased return agreement is helpful, confirming phased working hours, leading to a full hours return.

10.2 Examples of matters to be considered (alone or in combination) are:

- the hours per week to be worked - reduced working hours with scheduled increase over the time period of the plan;
- use of annual leave to facilitate the phased return, if appropriate;
- the work pattern - shorter days, increased breaks;
- the work location - would an alternate location for work be possible, considering the needs of the post?
- the duties to be undertaken - reduced or changed duties, with monitoring, training / refresher;
- the need for any adjustments in the workplace (work stations or work practices);
- car sharing journeys to and from work;
- the period of the phased return;
- the dates of any proposed review of the initial agreement;
- appropriate training, support and assistance, as required.

10.3 Regular discussion should take place to review the phased return and ensure consideration of its effectiveness. This will also allow opportunity for the employee and manager to consider further adjustments as necessary, including whether an extension of the phased return is necessary, and address any concerns raised by either party.

10.4 **Salary arrangements during phased return to work:** The employee must be paid an amount equivalent to that being paid immediately prior to the start of the phased return. Until such time as a return to normal contractual working hours is made, payment on a phased return will be at a rate equivalent to the sick pay (whether it be full pay, half pay statutory sick pay or incapacity benefit) the employee was receiving immediately prior to their return to work i.e. payment would be based on the employee being no worse off than if they had remained on sick leave. In cases where hours actually worked are in excess of the sickness pay receivable prior to the return to work, then payment for the hours actually worked would be made.

10.5 If an employee is absent again due to sickness during a phased return, before returning fully to their substantive post, it will not normally be deemed to be the same absence for the purposes of calculating entitlements to sickness payments, i.e. the period when the employee was ‘at work’ will break the continuity of any absence. Therefore, calculation of sickness entitlement will normally be based on the latest absence. Payroll providers should be notified of any agreement that impacts upon contracted hours, subject to School arrangements.

11.1 Medical redeployment and ill health retirement

11.2 If the employee remains off sick and the service cannot sustain the absence, and if a return to work is not foreseeable, then the manager must consider whether medical redeployment is applicable or available, and whether ill health retirement should be considered and discussed with the employee.

11.3 For Local Government Pension Scheme (LGPS) members, the manager should obtain medical advice from Health and Well-being partners, such as Occupational Health, for consideration of ill health retirement and access to pension. Further information can be obtained from NYES HR.

11.4 The Teachers' Pension Scheme has a separate process in which the employee considers what medical information to send to the teachers' pension's independent medical practitioner, which may include Occupational Health reports.

11.5 It should be noted that the decision in relation to ill health retirement is separate from any decision to dismiss an employee on grounds of ill health / capability.

12.1 Attendance Panel

12.2 Prior to progressing to an attendance panel, it is expected that the manager has explored all appropriate support mechanisms and any related reasonable adjustments to improve attendance during the attendance management process, including consideration of medical advice, reasonable adjustments, whether medical redeployment, or ill health retirement are applicable to the case. Managers are not obliged to keep an employee's job open to them indefinitely. Where there is no clear return to work date or the prognosis of a return to work is too long a period for the School to sustain, managers can begin the termination process. In some cases, it may be reasonable to start considering dismissal prior to full sick pay entitlement being exhausted.

12.3 Prior to progressing to attendance panel, a final review meeting must be held at which the manager must make the employee aware that dismissal is being considered.

12.4 The employee must be invited to an attendance management hearing and given good notice of the hearing (Invitation to Attendance Panel Letter). Any documentation which the manager will be using at the hearing must be given to the employee, their representative, and the panel at least 5 working days prior to the hearing.

12.5 For LGPS members; before the termination of employment can take place, consideration of whether the employee is eligible for ill health retirement benefits must be commenced (see above). The decision to dismiss is a separate consideration from whether the employee can retire on ill health grounds. It is important to note that the consideration for ill-health retirement benefits does not have to be completed prior to termination of employment. In cases of serious or potentially terminal ill health, advice should be sought from the health and well-being services at the earliest opportunity.

12.6 The redeployment process does not have to be completed prior to termination of employment as this process can continue during the employee's notice period.

12.7 The attendance panel will be held in accordance with the School's 'Hearing and Appeals' procedure.

12.8 If, as an outcome of the attendance hearing, the panel decide that the employee's level of absence is unacceptable, given the circumstances of the case, or the School cannot sustain the absence, despite all the measures taken to facilitate a return to work and / or improve attendance, then it should consider the following:

- Extension of the period for improvements in attendance or continuation with the monthly review, and / or modification of the targets set, together with a revised action plan and monitoring programme, or
- Termination on the grounds of capability due to ill health. Notice will be given and will be either contractual or statutory, whichever is greater.

12.9 At any attendance management panel it is important for management to ensure that:

- all reasonable adjustments suggested either by the employee or medical partners such as occupational health have been considered
- Up to date medical advice has been obtained and considered
- Medical redeployment and Ill health retirement options have been considered

12.10 The School should notify the employee of the outcome of the hearing as soon as possible, in writing after the panel (Outcome of Attendance Panel Letter).

13.1 Formal meeting

13.2 In some circumstances it is appropriate for a formal meeting to be held instead of an Attendance Panel, for example an individual subject to an Attendance Management Panel requests that their dismissal takes place outside of that forum (the use of this process must be subject to mutual agreement).

13.3 Such action can save time and stress for the individual, but it is essential that due process is followed in accordance with the attendance management policy and procedure to avoid allegations of unfairness, undue pressure or discrimination. It must be emphasised that whilst an individual may be allowed to be subject to a process outside of a panel hearing, that the attendance process is still a formal one.

13.4 The employee should be invited to a final attendance consultation meeting / Sickness Absence Review meeting. The use of a formal meeting instead of a hearing will be discussed with the employee at this final consultation meeting. It must be explained that dismissal is being proposed. The employee must be informed of their right to a formal hearing and given a copy of the attendance management policy and procedure with explanation, as necessary. If the decision is reached to use a dismissal meeting, the employee will be asked to confirm their agreement in writing (Letter Agreeing to Formal Meeting). A signed copy of the agreement should be retained for School records.

13.5 The employee should be encouraged to be accompanied, subject to School local agreement, by a trade union representative (if applicable) or work colleague at the final review meeting and the dismissal meeting (formal attendance meeting) to have the opportunity to take separate advice prior to and during the meetings or to seek independent advice prior to the formal attendance meeting.

13.6 On receipt of this confirmation, the employee will be invited to a formal attendance meeting (Invitation to Formal Meeting Letter). At the formal attendance meeting the employee must be reminded of their rights to a formal hearing and given a full explanation of the evidence and proposed action and have the opportunity to comment on and question the facts of the case (see formal attendance meeting format).

13.7 If there is agreement to the proposed action (dismissal) management must confirm in writing to the employee the facts of the case and the process that has been followed including the date of the meeting, those present, the information and advice given about the employees' rights under the formal procedure (including the appeal process) and their understanding of these (Outcome of a Formal Meeting Letter).

13.8 Should an employee wish to retract their agreement to dismissal prior to or during the formal attendance meeting, then a panel hearing should be arranged under the normal procedure.

13.9 There may be circumstances where an employee does not wish to attend or is too ill to attend. Where this occurs, it may be necessary to explore whether the employee has an advocate or has appointed someone to have power of attorney, in order to engage with them in relation to the meeting. The formal meeting must proceed in the employee's absence to reach a decision and this must be formally communicated with the employee, following the procedure outlined.

14.1 Appeals

14.2 An employee has a right of appeal against;

- Being issued with a final notification
- Any decision to terminate their employment

14.3 All appeals must be submitted within ten days of the final notification or dismissal letter. Appeals should be heard as soon as possible and where possible before the termination takes effect (See Invitation to Appeal Panel Against Dismissal, and Outcome of Appeal Panel Against Dismissal).

14.4 Appeals will be heard in accordance with the School's Hearing and Appeals procedure.

15.1 Equality Act - Reasonable adjustments

15.2 In line with the Equality Act 2010, employers must put in place any reasonable adjustments relevant to the employee's role which remove barriers faced as a result of disability. Such adjustments may facilitate a healthy, timely and sustained return to work.

15.3 The reasonableness of an adjustment is determined by:

- whether it is effective;
- whether it is practical;
- what it costs;
- the resources of the organisation/employer;
- the availability (if any) of financial support e.g. access to work

15.4 Schools should document clearly and carefully any considerations and decisions made in respect of reasonable adjustments, and share these with employees.

15.5 Considerations may include (not an exhaustive list):

- Making adjustments to premises (e.g. providing a ramp, re-arranging office equipment etc.), or assigning the individual to a different place of work (including home working), or altering the persons' working hours
- Record evidence of consideration of adjustments e.g. detailed breakdown of additional costs for adjustments to be put in place.
- Effect of changes on other staff, service delivery.
- Trialling arrangements if you are unsure that an option is reasonable in order to demonstrate attempts to reasonably adjust.
- Timescales and ensure that any reasonable adjustments are implemented without unnecessary delay.
- Amount of duties that need to be removed - how much would be 'reasonable' - and the effect on the School and provision of education.
- Would this be a permanent/temporary arrangement?
- Impact on grade if permanent (as there is no legal requirement to protect pay).
- Transferring the person to fill an existing vacancy (redeployment).
- Discussing the medical report with the employee - the report will indicate whether the employee should be redeployed on medical grounds.
- Can the employee be accommodated within the School on alternative duties?

15.6 Disability related sick leave

15.7 Depending on their individual circumstances and how they manage with their disability, their symptoms and treatment, a reasonable adjustment may include allocating a number of days (subject to individual circumstances this is up to a recommended maximum of ten days) to allow for disability related absence. If this is considered, it is strongly advisable to seek Occupational Health advice as to the expected impact of the individual's condition/s on their attendance.

15.8 If the cause of absence was related to a disability then the employee's manager should consider whether any of that absence should be counted as disability related sick leave and excluded from the sickness absence calculation for trigger points.

15.9 When reviewing an employee's attendance record, each case should be considered on its own merits with advice sought from NYES and health and well-being services.

15.10 Employees may choose to complete a workability passport in which to record disability related sick leave and agreed reasonable adjustments.

15.11 **Credited medical leave**

15.12 Credited medical leave provides disabled employees with reasonable paid time off work for reasons related to their disability to attend appointments to undergo

treatment or rehabilitation. It can usually be planned in advance and is for a fixed period of time. Examples include:

- Hospital and specialist appointments
- Hospital appointments as an outpatient
- Hearing aid tests
- Training with a guide or hearing dog
- Medically prescribed treatment appointments

15.13 This leave should only be granted where such appointments and treatments fall unavoidably on the employee's working time.

16.1 Workability passport

16.2 A workability passport is voluntary and initiated by the employee, enabling a member of staff to openly discuss health issues with their manager, which may impact on their ability to undertake their job role either now or in the future. Normally, the nature of the condition or symptoms would be of the nature which 'has a substantial and long-term effect on a person's ability to carry out normal day-to-day activities', as defined by the Equality Act 2010. However, a member of staff may choose to complete a workability passport even if they don't feel that their health condition is so significant that it would be classed as a disability under the Equality Act. The passport enables a member of staff to openly discuss and record the nature and impact of their health condition with their manager, so that the condition can be more pro-actively managed whilst the employee is at work. It may be that through completing the workability passport, reasonable adjustments are identified and implemented to support a member of staff in the workplace.

16.3 Usually the workability passport should be revisited annually; however it can be reviewed and amended at the request of either party (the employee or their manager). The contents of the passport cannot be changed without the agreement of the employee. The employee may request a work colleague or recognised trade union / professional association representative to be present when completing / reviewing the passport.

16.4 The contents of the workability passport are confidential and should be kept on the employee's personal file. The employee should be provided with a copy, ensuring that they have a record of any reasonable adjustments / support that is agreed.

17.1 Work related stress

17.2 If the cause of the absence is work related stress, it is strongly recommended that at an appropriate time, employees complete an individual stress risk assessment template, and that the contents of this are then discussed at a meeting with their manager. This may be helpful in considering adjustments to support a return to work.

18.1 Further routes of support and available resources

18.2 Further to support available from line managers, medical advice from health practitioners and additional support from Professional Association or Trade Union representatives, the following routes are also available:

18.3 Stress management

18.4 Information is available via HSE website, including recommended guidance on stress management (www.HSE.gov.uk).

18.5 Jobcentre Plus

18.6 Advice is also available from local Jobcentre Plus offices that employ disability employment advisors. They will offer advice on current schemes in place to assist disabled employees, financial assistance available to employers, specialist equipment to help accommodate the needs of disabled employees. Alternately, employees can contact Jobcentre Plus.

18.7 Access to Work

18.8 Access to Work provides advice and practical support to disabled people and their employers to help overcome work related obstacles resulting from disability. Through Jobcentre Plus, Access to Work may pay a grant towards any extra employment costs resulting from disability. Where the employee has liaised with Access to Work, they should inform their manager of any costs associated with support so a decision can be taken as to whether it can be considered as a reasonable adjustment. www.gov.uk/access-to-work

18.9 Fit for Work Service

18.10 This government initiative provides free and impartial advice to anyone looking for help with issues around health and work. The service is contactable via free line 0800 032 6235 or via their website, https://fitforwork.org

18.11 NHS

18.12 The NHS Choices website is available for all which can provide information and help locate NHS services via www.nhs.uk

18.13 Public Health England also has a website specifically designed to support individuals with a range of tools and advice to support health and well-being, available at www.nhs.uk/oneyou

18.14 Top Tips via HR pages, CYPS info

18.15 Available to support a range of issues, with links to resources including MIND and ACAS.

Employee assistance programme

Schools have the option of purchasing an employee assistance programme provided by Health Assured, an independent external organisation who work to a robust professional code of strict confidentiality via the Health and Well-being Service. Some of the services, available via School contracts arranged through NYES, include:

- Individual health assessment with diet and exercise tips to achieve health goals;
- Counselling and advice on a wide variety of issues including debt, tax, consumer and legal matters;
- Emotional support;
- Fitness advice; and
- Personal coaching tool and medical information.

19.1 Further Guidance

19.2 Occasionally there are situations which are more difficult to manage and which can lead to a break-down in communication. Common issues include:

19.3 **The employee refuses to speak with you, to remain in touch or to respond to your phone calls and letters:** The manager will need to write to the individual, making very clear their responsibilities as an employee to abide by the contractual conditions of their employment (this can be found in the employee's responsibilities). Any letters should be clear but non-aggressive or threatening and should include the offer to consider alternative methods of contact where this can be accommodated. Employers continue to have a duty of care to their employees even when they are off sick and employees can be reminded of this. An example of this letter is provided in the Non-Contact Letter.

19.4 **The employee's relative, partner or representative intercepts or makes contact on behalf of, or blocks communication:** This can happen in instances of conflict with the employee and can be difficult to manage. It is important for the employee to be informed in writing of their responsibilities. In any circumstance the employee would need to provide their permission for you to discuss any of their details / employment with a third party, no matter how close their relationship. It is important to agree a method of communication and to follow up and confirm any verbal agreements in writing to the individual. This will avoid any misunderstanding.

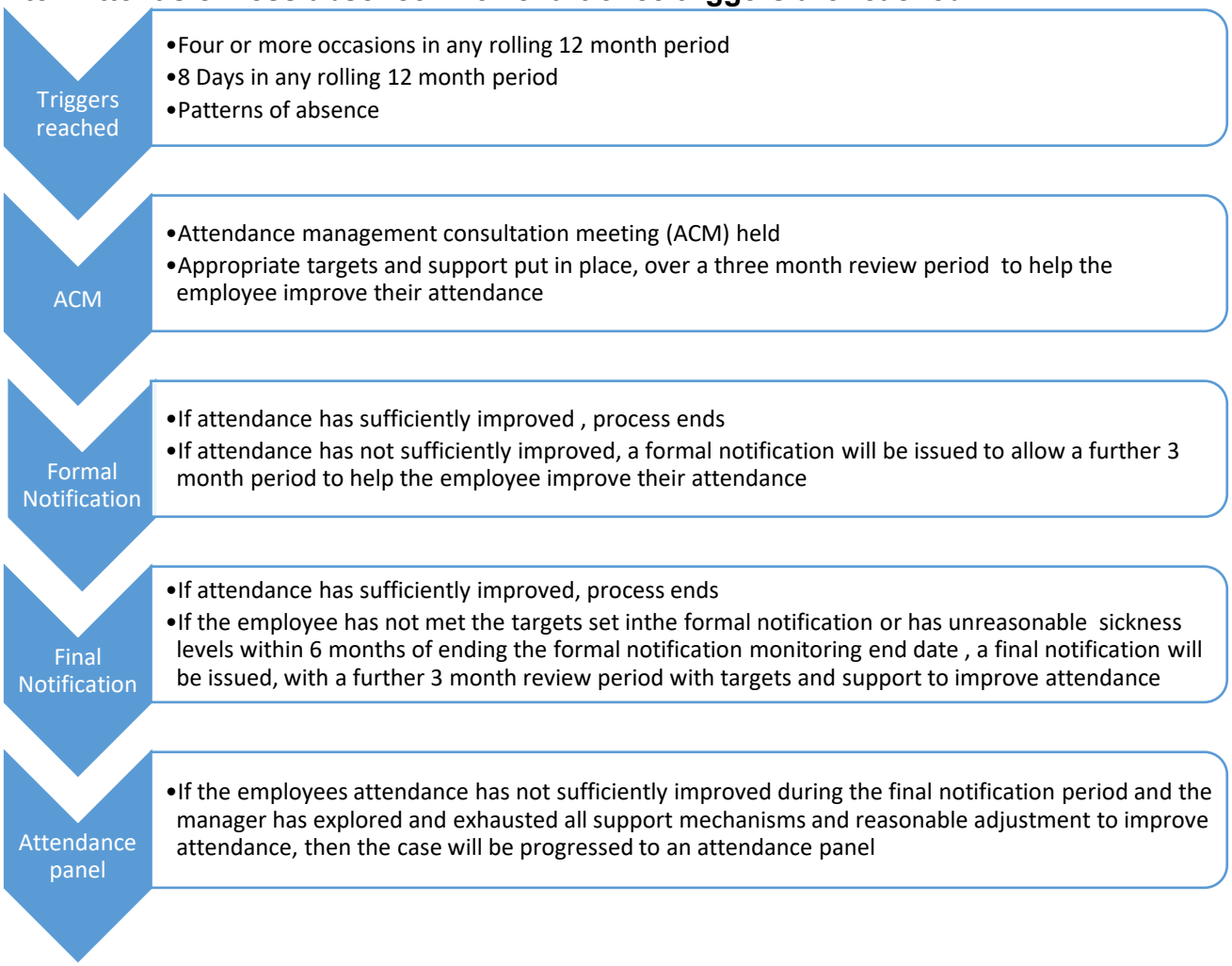
19.5 **If the employee is hospitalised:** It may be appropriate to delay seeking contact with the individual until the employee is able to communicate. However, for prolonged hospitalisation, writing to the individual may be necessary to ensure they are kept aware of any issues that may impact on their employment. In many circumstances, a family member will willingly keep the manager updated on the employee's progress. Visiting whilst in hospital will depend on the circumstances and it should not be assumed that employees should receive a visit (though good wishes sent from work colleagues may be welcomed). It would be appropriate to receive permission to do so. In cases of serious illness, where the employee is unable to engage, it may be necessary to explore whether the employee has an advocate or has appointed someone to have power of attorney, in order to engage with them in relation to implementation of the Attendance Management Policy.

19.6 **Issues around terminal illness / poor prognosis and end of life:** Sensitivity and understanding will be required, especially where discussions need to take place around financial planning, and pension benefits etc. Other conversations should centre on support for the individual, keeping in touch and offering services such as employee assistance programme.

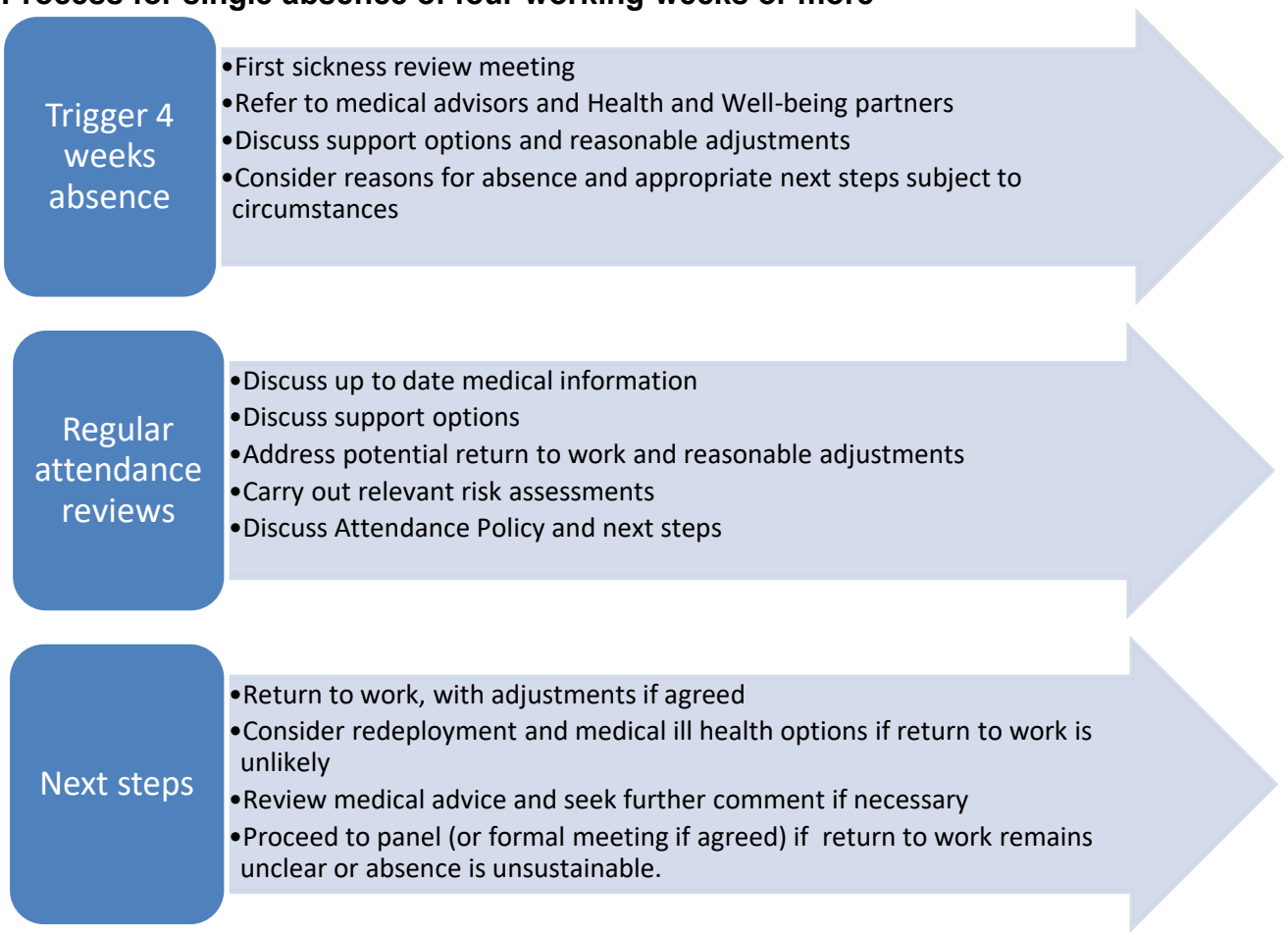
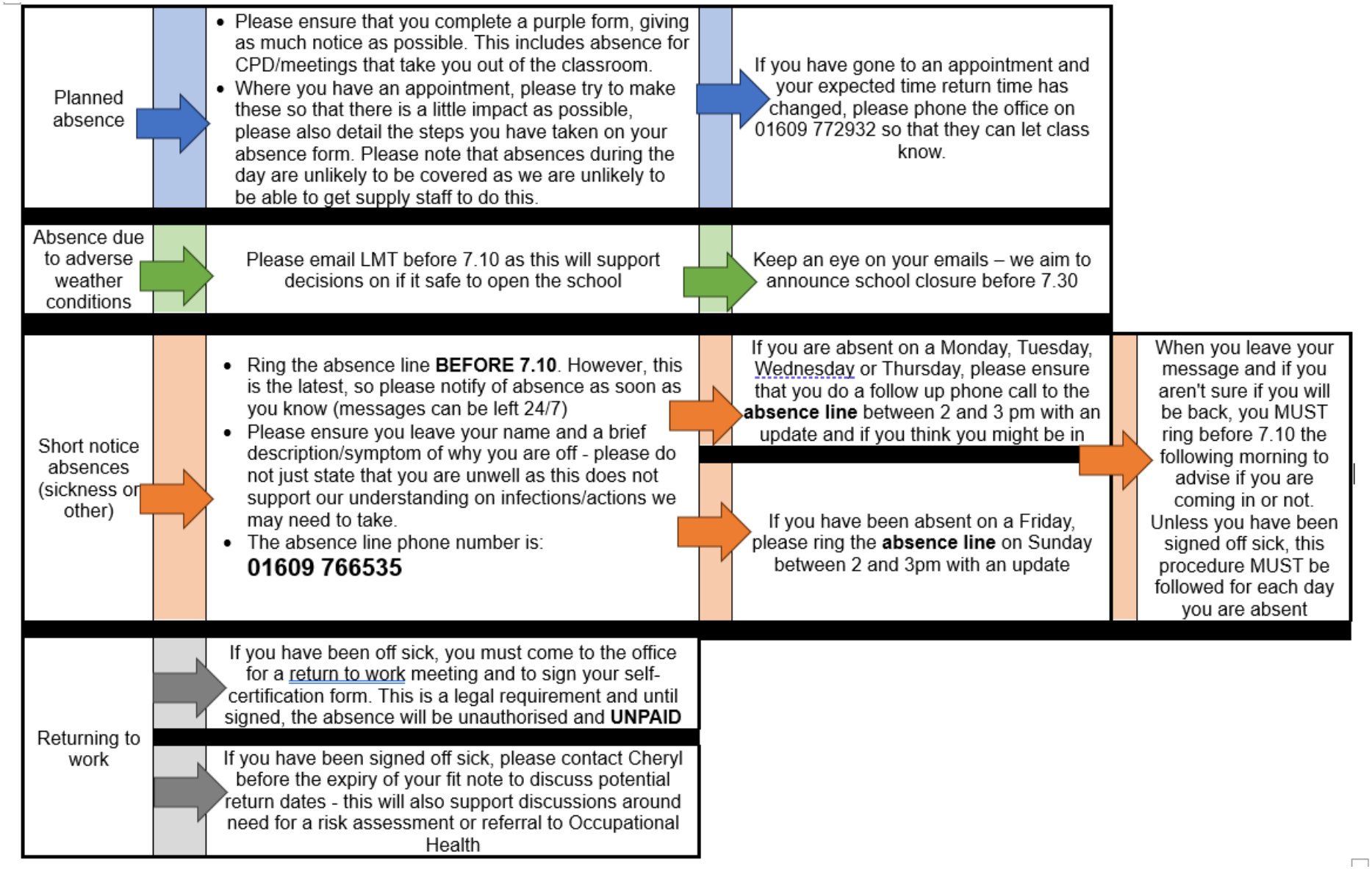
19.7 **Compassionate leave:** If a member of staff is absent from work for compassionate reasons and requires information on this type of absence this can be found via the appropriate School leave policy.

Flowcharts

Intermittent sickness absence: Flowchart once triggers are reached



Process for single absence of four working weeks or more



Absence reporting procedures