



Attendance Management Policy and Procedure

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Attendance Management Policy

1 Introduction

- 1.1 Outwood Grange Academies Trust (OGAT) has adopted the policy and procedure set out in this document to provide a clear framework for the positive management of attendance and dealing with employees' sickness absence.
- 1.2 This policy applies to all members of staff employed by OGAT, including teaching and support staff.
- 1.3 This policy and procedure is not to be used to address concerns regarding an employee's conduct or capability at work. These issues will be dealt with under the appropriate Disciplinary and Capability procedures.

2 Aims

- 2.1 The aims of this policy and procedure are as follows:
 - To provide a clear framework in which concerns around attendance are managed;
 - To take a positive and proactive approach to managing attendance, supporting those employees who may experience ill health, and balancing security of employment during periods of absence with operational requirements and the conditions set out in this procedure;
 - To manage sickness absence in a fair and consistent manner, ensuring that employees are given sufficient opportunities and support to improve their attendance at work, and that the standards required for improvement are made explicitly clear;
 - To consider any reasonable adjustments for employees covered by the Equality Act, in order to support their attendance at work;
 - To monitor sickness absence on a regular basis to identify any work related issues;
 - To develop a culture which encourages high attendance levels;
 - To ensure that all staff are aware of their responsibilities under this procedure.

3 Policy Statement

- 3.1 The Trust seeks to optimise teaching and learning to students by:
 - Decreasing the frequency of short term absences;
 - Facilitating satisfactory returns to work following both short and long term absences;

- Making informed decisions about employees' work, attendance and the viability of future employment.

3.2 This policy complies with legislative requirements, including the following key pieces of legislation:

- The Equality Act 2010;
- The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) Regulations 2010;
- The Education (Teachers) Regulations 1993;
- The Education (Health Standards) (England) Regulations 2003;
- The Fraud Act 2006 (misuse of the Trust's sickness absence management procedures, e.g. working whilst claiming sick pay, could be referred for investigation).

3.3 At all stages within this procedure, and in accordance with the Equality Act 2010, provision will be made for reasonable adjustments to accommodate the needs of individuals attending meetings/hearings.

4 Definitions

4.1 **Employee:** any member of staff with a contract of employment, including full time, part time, permanent, temporary or fixed term.

4.2 **Line Manager:** the line manager of the employee whose attendance is being managed under this procedure, or other delegated manager where appropriate.

4.4 **Short term sickness:** any period of sickness absence which is under 4 weeks in length. It can be either certified by a GP, or self-certified by the employee.

4.5 **Long term sickness:** any period of sickness which lasts for, or is expected to last for, 4 weeks or over. For example, this could include a serious illness, recovery from an operation, or for any recurrent periods associated with a serious health problem.

4.6 **Fit Note:** medical certification from a GP which states whether or not an employee is fit for work, as well as detailing any medical advice, for example, whether an employee would be fit for work if given amended duties. Fit notes replaced GP sick notes in 2010.

5 Roles and Responsibilities

5.1 Employees

5.1.1 All employees are responsible for attending work regularly in accordance with their contractual working hours and fulfilling their contract of employment.

- 5.1.2 Employees must ensure they understand the content of this document and fully cooperate with the procedures laid out within it; failure to do so may affect any entitlement to Occupational Sick Pay and/or be deemed to be misconduct and dealt with accordingly under the Trust's Disciplinary Procedure.
- 5.1.3 Employees must inform their line manager and/or the Business Manager/HR of any health related issue(s) which may affect their attendance at work.
- 5.1.4 If sickness absence extends beyond 7 days, the employee must ensure that they submit Fit Notes covering their absence and that these have been received by the Business Manager/HR.
- 5.1.5 Employees must keep in regular contact throughout any periods of long term sickness absence. This can either be with their line manager or through the Business Manager/HR. The frequency and nature of the contact (e.g. phone calls, email) will be agreed with the employee. If regular contact is not maintained by the employee, the Business Manager/HR will write to the member of staff to ask them to get in touch.
- 5.1.6 In cases where their health becomes a concern and may possibly impact on their attendance at work, employees should discuss the situation with their line manager/Business Manager at the earliest opportunity in order to seek a positive outcome.
- 5.1.7 Employees are responsible for their own health and safety. They should attend all scheduled appointments, for example with their own GP, with the Trust's Occupational Health provider or with other health specialists such as counsellors, etc.

5.2 Line Managers

- 5.2.1 Line managers are responsible for monitoring attendance within their department and ensuring that return to work meetings are conducted on the day of return (either by them or, in their absence, by a nominated person). The line manager should liaise with the Business Manager/HR at an early point to ensure that appropriate action is taken in accordance with this procedure.

5.3 Business Managers/HR

- 5.3.1 Business Managers/Human Resources have overall responsibility for monitoring attendance, ensuring that all sickness absence records are updated in the appropriate systems and that records are maintained accurately.
- 5.3.2 They are responsible for checking the accuracy of sickness information, processing sick pay information and for producing regular and ad-hoc reports for the SLT and the Trust HR Team.
- 5.3.3 Business Managers/HR are responsible for helping to ensure that this procedure is understood by managers, staff and trade union representatives and that it is

implemented consistently. They will also be responsible for administering referrals to occupational health and they will provide advice on specific cases.

6 Procedure for Reporting Sickness Absence and Fit Notes

- 6.1 Procedures for reporting sickness absence are held at local academy level. Employees must inform the academy by telephone, confirming the nature of their absence and, if they know, the likely duration of their absence. Text message notifications are not appropriate.
- 6.2 If a member of staff does not know the likely duration of their absence, then they must contact the academy on each day they are absent from work. If the employee knows when they will be returning to work, for example if they are signed off as unfit for work by their GP for a specified length of time, then they are not required to make contact on each day of their absence.
- 6.3 On the 8th calendar day of an employee's absence, the employee must submit a Fit Note to the Business Manager/HR. They will note its receipt, update appropriate systems and inform the line manager of continued absence.
- 6.4 If an employee has been signed off as unfit for work by their GP and they are still unfit for work at the expiry of their Fit Note, then they must inform the academy of this as soon as possible, and by no later than the date on which their Fit Note expires. Subsequent Fit Notes must be received by the academy within 5 days of the Fit Note being issued. There must be no gaps in dates between Fit Notes in cases of continued absence from work.
- 6.5 Failure to submit Fit Notes on time, or a gap in dates between Fit Notes in cases of continued absence from work, may result in non-payment of Occupational Sick Pay (OSP) or Statutory Sick Pay (SSP).
- 6.6 The academy reserves the right to require medical certification for each absence, regardless of duration, where there have been frequent or regular patterns of sickness absence and/or where there is any doubt as to the nature of the absence. Should this be necessary, the Trust will cover the cost (if any) of their medical certification.
- 6.7 All employees must adhere to the absence notification procedures which are in place at their academy, and they should be made aware of and provided with access to a copy of the procedure they must follow. Failure to follow these procedures may be treated as a disciplinary matter.

7 Return to Work Meetings

- 7.1 Return to work meetings must be held after each occasion of sickness absence, including those of one day.

- 7.2 In the case of long term absence from work, regular contact should have been maintained. Therefore when the employee is aware of their return to work date, if it hasn't already been discussed as part of an attendance review meeting, they should confirm with the Business Manager/HR when they are returning so that arrangements can be made and if it is required, a phased return plan put in place for the employee.
- 7.3 On the day of return, the employee must report to their line manager for a return to work meeting. The return to work meeting will ideally be carried out on the morning of a return to work, so that the employee's fitness to return to work can be judged and they can be updated on any developments which may have occurred during their sickness absence.
- 7.4 As part of the return to work meeting, the line manager should ensure that the return to work form is completed and that the employee completes and signs Part A of the self-certification form (Appendix One), the manager and employee sign Part B of the form and a copy is sent to the Business Manager/HR for the employee's file.
- 7.5 Points to be discussed at the return to work meeting include:
- Fitness of the employee to undertake their full range of duties;
 - Whether the absence was related to a disability, pregnancy, or work related stress;
 - Whether any support or adjustments are required and whether these are reasonable, operationally feasible, and whether these should be on a short term or permanent basis (note – if an employee's Fit Note recommends adjustments or a partial return, it may not be possible to always accommodate these. In these circumstances, advice should be sought from the Trust HR Team);
 - The impact of the employee's absence on the department/service;
 - Any changes that have occurred in the academy during the employee's absence;
 - Absence records trends/and whether the current level of sickness absence has met the trigger points set out in this procedure;
 - What the outcome of further sickness absence could be, for example, formal stage meetings;
 - Any areas of concern the employee has, which they may wish to bring to the attention of their line manager.

8 Absence Due to an Accident at Work

- 8.1 RIDDOR is the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013.
- 8.2 Absences resulting from an incident or accident at work which meet the following criteria must be reported to the Health and Safety Executive (HSE):
- Deaths;

- Specified injuries to workers (full list available on the HSE website);
- Absences of over 7 days;
- Reportable occupational diseases (full list available on the HSE website).

8.3 For information on how to report a RIDDOR, please see the Business Manager. Further information is also available in the OGAT Health and Safety Policy.

9 Pregnancy Related Sickness Absence

9.1 For pregnant employees, non-pregnancy related sickness absence will be recorded and managed in the normal way.

9.2 For sickness absence which is due to pregnancy related illness, this will be recorded separately and will not be taken into account towards any absence Notice to Improve or other penalty.

9.3 All sickness absence, even if pregnancy related, will be paid according to the employee's sickness entitlement, which remains unchanged.

9.4 Pregnant employees who are absent from work must comply with the normal reporting procedures and provide Fit Notes if their absence exceeds 7 calendar days. Return to work meetings will be carried out after a period of absence and the line manager will enquire as to any support/adjustments which may be required.

7.5 If a pregnant employee is absent from work due to a pregnancy related illness 4 weeks before their expected week of childbirth, then their maternity leave will automatically start and the Trust's Maternity Policy will be followed.

7.6 Occupational Health advice may be sought to clarify pregnancy related absence and to enable the Trust to support a pregnant employee in work; especially if absences are frequent, and/or where a pregnant employee requests a change of working pattern outside normal working arrangements during her pregnancy.

10 Disability Related Sickness Absence

10.1 A person is defined as disabled under the Equality Act 2010 if they have a physical or mental impairment that has a substantial and long-term negative effect on their ability to do normal day to day activities.

10.2 For people with a disability or a long-term health condition, if their sickness absence is related to that disability, the Trust has a duty under the Equality Act to make reasonable adjustments.

10.3 Reasonable adjustments may include adapted equipment, physical changes to the working environment, changes to working hours and/or location, or time off for treatment or appointments. Following longer term absence, it may include, for

example, a phased return to work. Individual discussions will be held with employees who have a disability, and advice will be sought from Occupational Health regarding reasonable adjustments.

11 Phased Returns

- 11.1 After a sustained period of absence, depending on the nature and the length of absence, a phased return to work is likely to be appropriate. This enables staff to work towards fulfilling all their duties and responsibilities within a defined and appropriate time period, where the employee may return on reduced hours, and then gradually increase their working hours back to their full contractual hours. This may include allowing an employee who has been on a prolonged period of sickness absence, to return to work sooner than they may otherwise have been able to.
- 11.2 Advice will be sought from Occupational Health regarding phased returns. However a phased return will usually commence on 50% of an employees' hours and duties, unless there are extenuating circumstances. Phased returns will not normally last for any longer than 4 weeks; a line manager will have the discretion to extend a phased return however they must consult Trust HR before doing so. The duration of a phased return will depend upon the nature and length of the employee's absence.
- 11.3 Normally, one phased return in any rolling 12 month period will attract full payment during the first 4 weeks of the phased return to work. Otherwise, payment may reflect the reduced hours worked. Should a phased return be extended beyond a 4 week period then the employee will be paid for the actual hours they work. If a phased return is not successful then the employee's absence will continue to be managed through the relevant stages in this procedure.
- 11.4 If Occupational Health advises that certain work should be restricted, this will only be agreed for the period of the phased return. If the advice is to restrict this work indefinitely, consideration will be given as to whether this is a reasonable adjustment under the terms of the Equality Act 2010 or whether redeployment may need to be considered.

12 Redeployment on Grounds of Ill Health

- 12.1 Employees who are prevented from continuing in their role due to ill-health or disability will be redeployed within the Trust whenever possible. Redeployment will be undertaken with advice from Occupational Health. If redeployment is agreed, the pay and terms and conditions for the new post will normally apply. If redeployment is not possible or available, the employee's employment will be terminated on the grounds of medical incapacity. Employees known to have a recognised disability who require redeployment will be considered prior to general applicants.

13 Ill Health Retirement

- 13.1 An application for ill health retirement can be made in accordance with the Teachers' Pensions or Local Government Pension Fund rules and regulations (only applicable to members of the schemes). Due to the time it takes to process such a request, it may be the case that dismissal occurs before a decision on ill health retirement is reached by the relevant pension fund.

14 Sick Pay

- 14.1 Details of Occupational Sick Pay (OSP) entitlements are contained in the conditions of service (NJC or Burgundy Book) and are referred to in an employee's contract of employment.
- 14.2 OSP is payable subject to the conditions of the above agreements and in accordance with the Trust's sickness absence procedures. Therefore, if staff fail to comply with the terms of the above and this policy, they may forfeit their OSP. This could include, but is not limited to, failure to attend Occupational Health appointments or sickness absence review meetings without good reason or notification, or to provide sickness information and documentation (e.g. Fit Notes) as and when required.
- 14.3 Where an employee's OSP is due to reduce or expire, advance notification will be sent from the academy to the employee.

15 False Claims of Sickness or Working While Off Sick

- 15.1 It is not normally permitted for an employee of the Trust to work elsewhere while off sick or in receipt of OSP or Statutory Sick Pay (SSP).
- 15.2 An employee who continues to work in a second job and/or wishes to work, while off sick, for therapeutic reasons or to aid recovery must seek authorisation from the Trust HR Department in advance on each occasion.
- 15.3 An employee who works while off sick without authorisation from the Trust HR Department or who is suspected of falsely claiming to be sick will be referred for an investigation under the Trust's Disciplinary Procedure. Should this be proven, this could lead to a disciplinary sanction (including dismissal) and recovery of sick pay.
- 15.4 If staff or line managers suspect any wrong doing in connection with the above they must contact the OGAT HR Department for advice.

16 Sickness Absence and Holidays/Annual Leave

- 16.1 Communication between all parties throughout a period of sickness absence is extremely important. If an employee wishes to go on holiday during a period of sickness absence, they must inform the Trust HR Department and obtain permission prior to the holiday being booked and taken. It is recognised that holidays can assist

with recuperation from illness and permission will not unreasonably be withheld, however any holidays taken must not prejudice an employee's recovery from sickness.

- 16.2 If an employee who works all year round falls sick whilst on a period of pre-booked annual leave, this absence from work can be classified as sickness absence and the annual leave for this period re-credited, provided the employee reports their sickness absence to the academy at the time they fall sick and not after the event, and a Fit Note from the employee's GP is provided to certify the sickness absence.

17 Employees with a Terminal or Life Limiting Illness

- 17.1 The Trust will deal sensitively with employees who may be diagnosed with a terminal or life limiting illness. The Trust recognises that terminal illness requires support and understanding.
- 17.2 In cases where an employee has been diagnosed with a terminal illness, the Trust will support them following their diagnosis. It is recognised that safe and reasonable work can help maintain dignity, offer a valuable distraction and can be therapeutic in itself.
- 17.3 The Trust will ensure that any employee diagnosed with a terminal illness is provided with all the information they need in order to choose the best course of action for themselves and their families, which helps them through this challenging period with dignity. This can include information regarding ill health retirement or death in service benefit entitlements under the Teachers' Pension or Local Government Pension Schemes.
- 17.4 The Trust will liaise with the employee's trade union representative or other nominated person, for example a family member, throughout.

18 Additional Conditions to Sick Pay

- 18.1 Occupational Sick Pay will not be payable in a case of any accident due to active participation in professional sports, nor in a case in which the absence arises from or is attributable to an employee's own unreasonable or willfully dangerous misconduct, or where the employee has acted in a way which is contrary to medical advice.
- 18.2 OSP may be recoverable from employees who are absent as a result of an accident, if payment for damages may be recovered from a third party. Employees are therefore required to declare if any such payment for damages is recoverable from a third party to HR. If this is the case, advice should be sought from the OGAT HR Department.
- 18.3 In this event, the Trust may, on a case by case basis, advance to the employee a sum on an interest free loan basis, not exceeding the amount of OSP that would be provided. This is subject to the employee agreeing to refund to the Trust the total

amount of such payments or the proportion represented in the amount of damages received.

- 18.4 Where this sum is refunded in full the employee's OSP entitlement will not be debited for that period. Where the sum refunded is only part of the total loan, the Trust may, at its discretion, determine the period to be set against the relevant sick pay entitlements.

19 Sickness Absence Data

- 19.1 Sickness absence records will be maintained for each individual employee and held securely. Records will be updated after each period of absence. The Business Manager/HR will review the records at the return to work interview and check whether any triggers have been reached.
- 19.2 Sickness absence information will be compiled on a regular basis by the Business Manager/HR.
- 19.3 Monthly or ad-hoc reports will be produced and made available for SLT, line managers, the HR Director and the Chief Operating Officer.
- 19.4 Data relating to employee sickness absence must be treated in strictest confidence and may only be shared with the following designated persons:
- Line Manager (or other nominated manager acting on behalf of the line manager);
 - SLT Link;
 - Principal;
 - Trust HR Department;
 - Occupational Health;
 - Union representative;
 - External agencies such as GP or Specialist or Access to Work - Disability Advisor.
- 19.5 Any information relating to an individual's sickness absence can be used by the Trust as part of the management of their attendance, for example, in attendance management meetings, appeal hearings and other formal processes. This includes notifications of absence, return to work records, certificates, Occupational Health reports, etc.
- 19.6 At all times, managers and employees involved in any aspect of this procedure must comply with the requirements of the Trust's Data Protection and Data Handling Policies.

Absence Management Procedure

I Short Term or Intermittent Sickness Absence Management

- 1.1 Short term sickness is any period of sickness absence (of any part of a working day or more), which is less than four weeks. It can be both certified and/or self-certified.
- 1.2 Absences from work due to sickness will trigger a formal meeting under this policy in the following circumstances:
- 3 occasions of sickness absence (of any length) in the previous rolling 12 month period;
 - 15 days sickness absence in total over the previous rolling 12 month period;
 - Patterns of sickness absence.
- 1.3 The triggers will be pro rata for part time staff who work four days or less as follows:
- 4 days per week: 3 occasions/ total of 12 days in 12 months or less;
 - 3 days per week: 3 occasions/ total of 9 days in 12 months or less;
 - 2 days per week: 3 occasions/ total of 6 days in 12 months or less.

2 Stage One Formal Absence Review Meeting

- 2.1 If an employee meets one of the trigger points described above, they will be invited to a Stage One Formal Absence Review Meeting.
- 2.2 The employee will be notified of the meeting in writing and they will be given at least 5 working days' notice of the meeting. The employee will be notified of their right to be accompanied by their trade union representative or work colleague at the meeting.
- 2.3 At this meeting the reasons for the sickness absence will be explored. Any support the Trust can provide with a view to reducing the absence level will also be discussed. The required improvement in attendance and the consequences of little or no improvement will be clearly explained to the employee.
- 2.4 Where there is concern that there may be an underlying health issue or any further information may be required to assist with managing an employee's attendance, a referral to Occupational Health will be considered.
- 2.5 A notice to improve (NTI) is likely to be issued at the Stage One Formal Absence Review Meeting if the employee has reached the absence triggers detailed above, and thereby exceeded the level of absence which the Trust deems reasonable. However where the number of days relate to only one or two occasions of absence, management may use its discretion in deciding if the NTI is appropriate in the context of the employee's attendance history prior to the current rolling 12 month period.

- 2.6 The NTI will be confirmed in writing and a record kept on the employee's file. Each separate absence notice will remain 'live' on an employee's record for 12 months from the date of issue.
- 2.7 The NTI will clearly outline the following:
- The required improvement in attendance;
 - The consequences of insufficient improvement in attendance;
 - Any support the Trust will be providing in order to assist with an improvement in attendance;
 - The review period and a provisional review date.
- 2.8 At the end of the review period, a further meeting will be arranged. The purpose of this meeting is to ascertain whether the employee has achieved the required improvement in attendance (i.e. – their absence levels are below the triggers outlined above). If this is the case, this will be confirmed in writing and no further action will be taken at this point. However any existing NTIs will remain live until the expiry of the 12 months from the date they are issued.
- 2.9 If it becomes apparent throughout the review period that there are still issues with an employee's attendance, for example if they have a further period of absence, then the review meeting may be brought forward.
- 2.10 An employee has the right to appeal against decision to issue an NTI. Any appeals must be received in writing within 5 working days of the date the NTI was issued, clearly setting out the grounds for the appeal. Further details of the appeals procedure are set out in Appendix Three.

3 Stage Two Formal Absence Review Meeting

- 3.1 If following a review, the required improvement in attendance, during the 12 month period; set out in the first NTI, is not met, then employee will be invited to a Stage Two Formal Absence Review Meeting.
- 3.2 The employee will be notified of the meeting in writing and they will be given at least 5 working days' notice of the meeting. The employee will be notified of their right to be accompanied by their trade union representative or work colleague at the meeting.
- 3.3 At this meeting the reasons for the further period(s) of sickness absence will be explored. Any support the Trust can provide with a view to reducing the absence level will also be discussed. The required improvement in attendance and the consequences of little or no improvement will be clearly explained to the employee.
- 3.4 If a referral to Occupational Health was not conducted at the Stage One Formal Absence Review Meeting, or if an updated report on the employee's health position is required, then the employee will be referred to Occupational Health at this point.

- 3.5 A notice to improve (NTI) is likely to be issued at the Stage Two Formal Absence Review Meeting if the employee is still in breach of the absence triggers detailed above, and has thereby exceeded the level of absence which the Trust deems reasonable. However where the number of days relate to only one or two occasions of absence, or there has been an improvement in attendance even though the triggers may still be being breached, management may use its discretion in deciding if an NTI is appropriate in the context of the employee's attendance history prior to the current rolling 12 month period.
- 3.6 The NTI will be confirmed in writing and a record kept on the employee's file. Each separate absence notice will remain 'live' on an employee's record for 12 months from the date of issue.
- 3.7 The NTI will clearly outline the following:
- The required improvement in attendance;
 - The consequences of insufficient improvement in attendance;
 - Any support the Trust will be providing in order to assist with an improvement in attendance;
 - The review period and a provisional review date.
- 3.8 At the end of the review period, a further meeting will be arranged. The purpose of this meeting is to ascertain whether the employee has achieved the required improvement in attendance (i.e. – their absence levels are below the triggers outlined above). If this is the case, this will be confirming in writing and no further action will be taken at this point. However any existing NTIs will remain live until the expiry of the 12 months from the date they are issued.
- 3.9 If it becomes apparent throughout the review period that there are still issues with an employee's attendance, for example if they have a further period of absence, then the review meeting may be brought forward.
- 3.10 An employee has the right to appeal against decision to issue an NTI. Any appeals must be received in writing within 5 working days of the date the NTI was issued, clearly setting out the grounds for the appeal. Further details of the appeals procedure are set out in Appendix Three.

4 Stage Three Formal Absence Review Meeting (Dismissal Hearing)

- 4.1 Employees will be required to attend a Stage Three Absence Review Meeting (Dismissal Hearing) in the following circumstances:
- Where there is no significant improvement in attendance;
 - And/or where an employee has a second live NTI on file, and there is a further breach of the absence triggers;

- And/or where the employee has previously been invited to and/or attended a Stage Three Review Meeting (for short and long term sickness absence) in the previous 12 months;
 - And/or where the history and pattern of absence over a prolonged period of time continues to give cause for concern.
- 4.2 The Stage Three Review Meeting will be chaired by the appropriate person in line with the Trust's Scheme of Delegation, a copy of which can be found in Appendix Four, along with two other panel members.
- 4.3 The employee will be notified of the meeting in writing and they will be given at least 10 working days' notice of the meeting. The employee will be notified of their right to be accompanied by their trade union representative or work colleague at the meeting. The letter will clearly set out the reasons for the meeting and will also state that a potential outcome of the meeting could be dismissal.
- 4.4 At the meeting the line manager will present a formal management case which will include all relevant information, such as sickness absence data, any previous Occupational Health reports, an up to date Occupational Health report and opinion, and details of support and any reasonable adjustments the Trust has implemented for the employee. The employee will also be invited to submit their case at the meeting. This may be done on their behalf by their trade union representative.
- 4.5 Any documentation which either party wishes to be considered at the meeting should be submitted no less than 5 days before the date of the meeting.
- 4.6 The process of the meeting is set out at Appendix Two. The potential outcomes of the meeting are as follows:
- No action is taken at this point until further advice is available on the employee's current health position, from either Occupational Health or the employee's GP/Consultant/specialist doctor, etc. (the meeting will be adjourned until this has been obtained);
 - The review period is extended and a further NTI is issued. During the review period a significant improvement in attendance must be seen;
 - The employee is dismissed from their post.

Any decision to dismiss will only be made once all other alternatives have been considered.

- 4.7 An employee who is dismissed from their post will be given written notice in accordance with the statutory minimum, or their contractual notice period, whichever is the greater. Employees will receive full pay for the duration of their notice period. The Trust reserves the right to pay employees in lieu of their notice.
- 4.8 An employee is entitled to appeal the outcome of the Stage Three Formal Review Meeting. Any appeals must be received in writing within 10 working days of the date

of the outcome letter, clearly setting out the grounds for the appeal. Further details of the appeals procedure are set out in Appendix Three.

5 General Points

- 5.1 If an employee fails to attend any scheduled review meetings or Occupational Health appointments without prior or reasonable explanation for their absence, then a decision may be made in the employee's absence, based on the information available at the time.
- 5.2 If an employee and/or their trade union representative is unable to attend any meeting scheduled under the above procedure, a revised meeting date will be arranged within 5 days of the original date proposed. The Trust reserves the right to proceed with the meeting in the employee's absence if they or their trade union representative do not attend on the revised date.
- 5.3 In cases where an employee's absence consists of a combination of short and long term absences, their overall attendance will be reviewed under this section of the procedure.
- 5.4 If an employee achieves the required improvement after entering Stage Two of the procedure and has resumed normal sickness absence monitoring, they will be informed that any further sickness absence which breaches the trigger points set out above may result in them re-entering the procedure at Stage Two. Furthermore, the Trust may escalate the review of an employee's sickness absence to any stage of the procedure, where deemed appropriate. Advice must always be sought from the Trust HR Team regarding this.
- 5.5 If the outcome of a Stage Three Meeting is that an NTI is issued and the employee achieves the required improvement at the end of the review period, they will be informed that any further sickness absence which breaches the trigger points set out above may result in them re-entering the procedure at Stage Two or at Stage Three.
- 5.6 Where frequent short term, or long term, sickness absence is considered excessive when compared with a relatively short length of service with the Trust, the process will normally be escalated to Stage Three.

6 Long Term Sickness Absence

- 6.1 Long term sickness absence is defined as serious and/or prolonged sickness absence which lasts for a period of 4 weeks or more, or recurrent lengthy periods of sickness absence due to serious health problems.
- 6.2 Once an employee has been absent for a period of 4 weeks, or if the absence is expected to last for a period of 4 weeks or more, then an absence review meeting will be conducted.

7 Absence Review Meetings

- 7.1 The employee will be notified of the meeting in writing and they will be given at least 5 working days' notice of the meeting. The employee will be notified of their right to be accompanied by their trade union representative or work colleague at the meeting.
- 7.2 Review meetings will normally be held on a work site, which does not necessarily have to be the academy the employee is based at. On some occasions however, a home visit or an alternative meeting location may be appropriate, and any requests for either a home visit or a meeting at an alternative location will be assessed in line with the nature of the employee's absence.
- 7.3 Absence review meetings will take place at appropriate intervals through the period of long term sickness absence; the number and frequency will dependent upon each employee's individual circumstances. However, the first review meeting will take place as soon as possible after the first 4 weeks of absence, or as soon as confirmation has been received that the employee's absence will last for a period of 4 weeks or longer.
- 7.4 At review meetings the reasons for the sickness absence will be explored. The Trust will discuss any support which can be provided, including, but not limited to:
- A referral to the counselling service;
 - The Government's Access to Work service;
 - A phased return to work.
- 7.5 Where any further information may be required to assist with managing an employee's attendance, a referral to Occupational Health will be made. The referral will ask for suggestions on whether any reasonable adjustments are appropriate, and also for guidance on a phased return to work. Employees may be referred to Occupational Health more than once during a period of long term sickness absence. The Trust may also request permission from the employee to obtain a report from their GP and/or Consultant, if appropriate.

8 Long Term Sickness Absence Final Review Meeting (Dismissal Hearing)

- 8.1 When the duration of long term sickness absence is prolonged and there is no foreseeable return to work date in the near future, and this has been confirmed by

Occupational Health, a Long Term Sickness Absence Final Review Meeting (Dismissal Hearing) will be arranged. The timing of when this meeting is held will depend on the individual circumstances of the case.

- 8.2 The Long Term Sickness Absence Final Review Meeting will be chaired by the appropriate person in line with the Trust's Scheme of Delegation, a copy of which can be found in Appendix Four, along with two other panel members.
- 8.3 The employee will be notified of the meeting in writing and they will be given at least 10 working days' notice of the meeting. The employee will be notified of their right to be accompanied by their trade union representative or work colleague at the meeting. The letter will clearly set out the reasons for the meeting and will also state that a potential outcome of the meeting could be dismissal.
- 8.4 At the meeting the line manager will present a formal management case which will include all relevant information, such as sickness absence data, any previous Occupational Health reports, an up to date Occupational Health report and opinion, and details of support and any reasonable adjustments the Trust has implemented for the employee, or, if the employee has not returned to work at any point, would have implemented for the employee had they returned. The employee will also be invited to submit their case at the meeting. This may be done on their behalf by their trade union representative.
- 8.5 Any documentation which either party wishes to be considered at the meeting should be submitted no less than 5 days before the date of the meeting.
- 8.6 The process of the meeting is set out at Appendix Two. The potential outcomes of the meeting are as follows:
- No action is taken at this point until further advice is available on the employee's current health position, from either Occupational Health or the employee's GP/Consultant/specialist doctor, etc. (the meeting will be adjourned until this has been obtained);
 - The employee is dismissed from their post.
- 8.7 Any decision to dismiss will only be made once all other alternatives have been considered. These include, but are not limited to:
- A phased return to work;
 - Consideration of reasonable adjustments;
 - Redeployment to an alternative post on ill health grounds;
 - Ill health retirement under the LGPS or TPS.
- 8.8 An employee who is dismissed from their post will be given written notice in accordance with the statutory minimum, or their contractual notice period, whichever is the greater. Employees will receive full pay for the duration of their notice period. The Trust reserves the right to pay employees in lieu of their notice.

- 8.9 An employee is entitled to appeal the outcome of the Long Term Sickness Absence Final Review Meeting. Any appeals must be received in writing within 10 working days of the date of the outcome letter, clearly setting out the grounds for the appeal. Further details of the appeals procedure are set out in Appendix Three.

9 General Points

- 9.1 If an employee fails to attend any scheduled review meetings, or Occupational Health appointments, without prior or reasonable explanation for their absence, then a decision may be made on how to proceed in the employee's absence, based on the information available at the time.
- 9.2 If an employee and/or their trade union representative is unable to attend any meeting scheduled under the above procedure, a revised meeting date will be arranged within 5 days of the original date proposed. The Trust reserves the right to proceed with the meeting in the employee's absence if they or their trade union representative do not attend on the revised date.
- 9.3 If an employee is diagnosed with a terminal or life-limiting illness which results in long term sickness absence from work, then their attendance will be managed sensitively and in accordance with section 16 detailed above.

10 Returning to Work Following Long Term Sickness Absence

- 10.1 When an employee returns to work following a period of long term sickness absence, the usual procedures for managing attendance will continue, including the return to work interview.
- 10.2 Following a return to work, the employee will be required to attend a Formal Absence Review Meeting. The stage at which this will be held would be determined by the number of days and occasions of sickness absence in the previous rolling 12 month period. Advice must be sought from the Trust HR Team regarding this.
- 10.3 In the event an employee returns to work following long term sickness absence and then subsequently undergoes a further period of long term sickness absence, their attendance will be managed under the Long Term Sickness Absence procedure.

Appendix One



Self-Certification of Sickness or Injury Form

Please forward this form to HR/Business Manager immediately

Name:

Job Title:

Part A – To be completed by the employee upon return to work. All questions must be answered. Failure to complete this form on return to work after incapacity may result in payment of sickness or injury allowance to you being withheld.

Name of Person Notified:	Time and Date:
First Day of Absence:	Last Day of Absence:
Date fit to return to work:	Date returned to work (if different):
Reason for Absence – A proper description should be given. Words such as 'sick' or 'unwell' are not acceptable:	
Did you consult your GP?	If so, please provide the name and address of your GP:

Declaration: To be read carefully and signed by the employee after completion of **Part A**. I declare that the information provided by me on this form is true and complete. I understand that to give false information on this form may result in disciplinary action being taken against me in accordance with OGAT agreed disciplinary procedure.

Employee Signature:

Date:

Please continue overleaf.

Part B – Return to Work Discussion (to be completed by manager)

Manager's Name:	Date of Return to Work Discussion:
Has the necessary medical certification been presented? (e.g. Fit for Work Note(s) where required)	YES/NO (Delete as appropriate) If NO please state reason:
Main Points of Discussion:	
Actions Agreed: (Please list as bullet points)	
Is Occupational Health Referral required?	YES/NO (delete as appropriate)
Employee Signature:	Date:
Manager's Signature:	Date:

Note: You may be required at any time to present yourself for a medical examination arranged by the Trust. The Trust is collecting this data to comply with OGAT sickness absence recording and monitoring policy, and our statutory obligations. On occasions, the Trust may have to contact appropriate third parties to share or verify the information you have provided. The Trust will only use this information in connection with your employment.

Appendix Two

Procedure to be followed at a Final Attendance Review Meeting – Dismissal Hearing

Before the Hearing

- a) The case will be chaired by the relevant person in line with the Trust's Scheme of Delegation, along with two other panel members.
- b) The employee can be represented at the hearing by their trade union representative or colleague. If the employee attends the hearing on their own, the person hearing the case must check with them whether they are happy to proceed unaccompanied.

1. Conduct of the Hearing

It is the chair of the hearing's responsibility to ensure that the hearing is conducted fairly in accordance with these procedures.

2. Welfare of the Employee

It is acknowledged that hearings can be stressful events for all involved but particularly the employee. The person hearing the case should ensure that consideration is given to the welfare needs of the employee throughout the hearing. This may require appropriate adjournments to allow the employee to compose themselves during proceedings.

3. Welcome and Introductions

At the start of proceedings the person hearing the case will welcome all parties and introductions shall take place.

4. Procedural Issues

The person hearing the case shall explain the procedure to be followed at the hearing and will ask for representations from either party on the conduct of the case to date or the hearing arrangements. They will consider and make a determination on any points made (this may require an adjournment).

The person chairing the hearing may agree to adjournments at any point during proceedings. At this point all parties shall leave the panel for the duration of the adjournment.

5. Presentation of the Case

The representative of the Trust/academy shall present the case on behalf of the Trust/academy, including the reference to any evidence

- 5a. The employee may ask questions of the representative of the Trust/academy, about the case they have presented;
- 5b. The panel may ask questions of the representative of the Trust/academy, about the case they have presented.

7. Presentation of the Case (Employee)

The representative of the employee or the employee themselves shall present the case on behalf of the employee, including the reference to any evidence.

- 7a.** The representative of the Trust/academy may ask questions of the employee, about the case they have presented;
- 7b.** The panel may ask questions of the employee, about the case they have presented.

8. Summing Up

The representative of the Trust/academy shall provide the person hearing the case with a final 'summing up' of the case from the Trust/academy's perspective.

The representative of the employee or the employee themselves shall provide the person hearing the case with the final 'summing up' of the case from the employee's perspective.

9. Final Statement by the Employee

The employee shall be given an opportunity to make a final statement to the panel, should they wish to do so.

10. Consideration of the Case

The panel shall retire to consider the details of the case and make a decision in private.

Should the panel wish to re-examine evidence it shall be done in the presence of all parties to the hearing.

Normally the representative from both sides and the employee involved shall be asked to wait to receive the decision. In certain cases, where there is a significant amount of evidence to consider the person hearing the case may ask all parties to re-convene at an agreed time.

11. Decision

Normally the decision of the person hearing the case shall be notified verbally to the employee on the day of the hearing. If this is not possible, the employee shall be contacted as soon as a decision has been made.

The decision shall be in the form of a short statement made by the person hearing the case. This decision shall be confirmed in writing to the employee by the HR adviser within 3 working days of the verbal notification.

12. Appeals Procedure

The employee should be advised of the arrangements for submitting an appeal in the letter confirming the outcome of the hearing.

Appendix Three

Procedure to be followed at an Appeal Hearing (Against the Issue of an NTI or Dismissal)

Before the Appeal Hearing

- a) The case will be chaired by the relevant person in line with the Trust's Scheme of Delegation, and in the case of an appeal against dismissal, along with two other panel members.
- b) The employee can be represented at the hearing by their trade union representative or colleague. If the employee attends the hearing on their own, the person hearing the case must check with them whether they are happy to proceed unaccompanied.

1. Conduct of the Hearing

It is the person who is hearing the case, or the chair of the panel's, responsibility to ensure that the hearing is conducted fairly in accordance with these procedures.

2. Welfare of the Employee

It is acknowledged that hearings can be stressful events for all involved but particularly the employee. The person hearing the case or the chair of the panel should ensure that consideration is given to the welfare needs of the employee throughout the hearing. This may require appropriate adjournments to allow the employee to compose themselves during proceedings.

3. Welcome and Introductions

At the start of proceedings the person hearing the case or the chair of the panel will welcome all parties and introductions shall take place.

4. Procedural Issues

The person hearing the case or the chair of the panel shall explain the procedure to be followed at the hearing and will ask for representations from either party on the conduct of the case to date or the hearing arrangements. They will consider and make a determination on any points made (this may require an adjournment).

The person hearing the case or the chair of the panel may agree to adjournments at any point during proceedings. At this point all parties shall leave the panel for the duration of the adjournment.

5. Presentation of the Case (Employee)

The representative of the employee or the employee themselves shall present their appeal on behalf of the employee, including the reference to any evidence.

6. Presentation of the Case

The representative of the Trust/academy shall respond to the employee's appeal, including the reference to any evidence.

7. Summing Up

The representative of the Trust/academy shall provide the panel with a final 'summing up' of the case from the Trust/academy's perspective.

The representative of the employee or the employee themselves shall provide the panel with the final 'summing up' of the case from the employee's perspective.

8. Final Statement by the Employee

The employee shall be given an opportunity to make a final statement to the panel should they wish to do so.

9. Consideration of the Case

The person or panel hearing the case shall retire to consider the details of the case and make a decision in private.

Should the person or panel hearing the case wish to re-examine evidence it shall be done in the presence of all parties to the hearing.

Normally the representative from both sides and the employee involved shall be asked to wait to receive the decision. In certain cases, where there is a significant amount of evidence to consider the person hearing the case or the panel may ask all parties to re-convene at an agreed time.

10. Decision

Normally the decision of the person hearing the case or the panel shall be notified verbally to the employee on the day of the hearing. If this is not possible, the employee shall be contacted as soon as a decision has been made.

The decision shall be in the form of a short statement made by the person hearing the case or the chair of the panel. This decision shall be confirmed in writing to the employee by the HR adviser within 3 working days of the verbal notification.

The decision of the appeal hearing is final.

Appendix Four

Final Attendance Review - Dismissal Hearing		
Post	Delegated Authority to Chair	Appeal
Chief Executive	Board Member	Three Board Members
Chief Executive Principal	Board Member or Chief Executive	Three Board Members
Executive Principal/Associate Executive Principal	Board Member or Chief Executive	Three Board Members
Chief Operating Officer, Director of Executive Services, and Finance Director	Board Member or Chief Executive	Three Board Members
Principal	Board Member or Chief Executive	Board Member to chair plus two members of the Executive Team
Group and Curriculum Directors	Chief Executive or Founding Chief Executive or al Chief Executive Principal or Chief Operating Officer	Board Member or Chief Executive or Chief Executive Principal/ or Founding CEO to chair plus two other appropriate panel members
Vice Principal and SLT Members	Founding Chief Executive or Chief Executive Principal or Executive Principal or Associate Executive Principal	Chief Executive or Founding Chief Executive or Chief Executive Principal to chair plus two other appropriate panel members
All other academy posts	Principal	Founding Chief Executive or Chief Executive Principal or Executive Principal or Associate Executive Principal to chair plus two other appropriate panel members
All other Group posts	Chief Operating Officer	Chief Executive or Founding Chief Executive or Chief Executive Principal to chair plus two other appropriate panel members

All Finance posts	Finance Director	Founding CEO, Chief Operating Officer, Chief Executive Principal or Chief Executive plus two other appropriate panel members
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