



Dixons City Academy

Policy Documentation

Policy: Attendance - Staff

Responsibility for Review: Operations Manager
Date of Last Review: September 2012

Attendance - Staff

Policy Statement

Introduction

The Academy is committed to maintaining the health, safety and welfare of its staff and seeks to provide a positive and healthy working environment. Regular attendance at work is part of every employees contract of employment and is vital to the success of the Academy however it is recognised that employees will on occasion have genuine and acceptable reasons to be absent from work, on these occasions management will aim to do everything possible to support a member of staff during a period of absence with the aim of assisting their return to work at the earliest opportunity.

The policy and procedure aims to provide a fair and consistent framework for managing attendance and should inform all staff of their responsibilities regarding attendance at work.

Responsibilities

Responsibilities of the manager

- to inform all employees of attendance management procedures
- to ensure all sickness absence is recorded upon notification
- to meet with all employees on their return to work, regardless of the duration of the absence
- to monitor and review all sickness absence across the Academy
- to arrange attendance review meetings with employees whose attendance levels begin to cause concern and to identify support available and a strategy for improving attendance
- to maintain reasonable contact with employees during a period of absence, while maintaining sensitivity and confidentiality throughout

Responsibilities of the employee

- to attend work when fit to do so and be punctual for work in accordance with the hours defined in their contract of employment
- to comply with the Academy's notification of absence procedures
- to communicate/meet with management during extended periods of absence or in the circumstances that an employee is medically unable to do so, make arrangements for an intermediary e.g. Trade Union Representative or family member to communicate on their behalf
- work with management to take action to improve attendance
- to acknowledge a joint responsibility for their level of attendance

Managing Staff Attendance Procedure

Notification of Absence

Leave of absence

If an employee needs to leave work prior to their normal finishing time they must seek permission from their line-manager and the Vice Principal. If an employee requires time away from work during their normal working hours they must complete a Leave of Absence Form (these are available in the staff room) and see the Deputy Principal before leaving. Staff must also consult their line-manager and in the case of teachers, ensure suitable cover is left for any missed lessons.

In the case of emergency employees must consult a senior member of staff and request that they follow the absence procedures on their behalf. If an employee is unable to attend work due to any other reason than sickness absence they must contact the Vice Principal.

Sickness absence

The purpose of having a clear notification process is to ensure that the academy can make the necessary arrangements to cover employee absence. This may involve arranging for supply cover or longer term arrangements in the event that the employee will be absent for a longer period of time. As such the academy has set the following reporting procedure which should be followed in the event that employees are unable to attend work due to illness.

1st day sickness

Employees must telephone the academy between 7.15am and 7.45am. Communication should also be made with the line-manager and in the case of teaching staff they must ensure that suitable cover work is set. Form Tutors must also ensure that their Head of Year is informed.

- Telephone the Academy (01274 776777, option 3 for staff absence) and speak to the Data Manager or leave a message on the staff absence voicemail.
- If the Academy telephone lines are busy, you can text the Data Manager on 07815 141888 and you will be contacted as soon as possible.
- Give some indication of the length of absence if you can, or telephone again later if you find that the absence is going to be longer than you expected.
- Set work for your groups or give some idea of the type of work they have been doing and name a person within the department who will be responsible for sorting out your classes. A code of good practice for setting cover lessons is located in *L:Cover Lessons – “Good Practice” and a template for cover lessons is located in L:Cover Lesson Templates\Dixons Cover Lesson TEMPLATE New Blank - SAVE YOUR OWN COPY.*
- If it is not possible for you to reach the telephone in person, then arrange for someone to telephone on your behalf.
- You may telephone the Academy at any time, including evenings and weekends, if you realise that you are going to be absent the following Academy day, using the auto-answer option 3 (staff absence) and leave a contact number and full information regarding your absence, lessons etc. – as the message indicates.

Sickness absence up to and including seven calendar days

Absence up to seven days does not require a medical certificate.

Absence of more than seven calendar days

For absences of more than seven calendar days employees will be required to provide a Fit Note. The following will apply to Fit Notes;

- they must be received by management by the eighth calendar day of absence
- Fit Notes will only be accepted for sick pay purposes from the date they are signed by the Doctor
- continuation Fit Notes must be received by management no more than three working days from the expiry of the previous certificate
- for any absence exceeding 14 days a final Fit Note which certifies that the employee is fit to work on a specified date must be produced

Withholding sick pay

Failure to comply with the notification requirements could result in immediate appropriate deductions of pay. If, in exceptional cases an employee does not follow the reporting procedures they should discuss this with management and only in exceptional circumstances may pay be reinstated.

Pay entitlement under the sickness scheme

Please refer to your conditions of service for your entitlement.

Returning to work

Irrespective of the length of an employee's absence, a return to work meeting will be conducted upon their return. Ideally this should be done on the first day back at work if this is not possible it should be done no later than three days after the employees return.

The Purpose of a return to work meeting

- welcome the employee back to work
- ensure that they are fully fit to return to work and that they have been authorised to do so by their General Practitioner if necessary
- identify the reason for the absence and confirm the length of the absence
- identify and address any problems (work-related or otherwise) that may have caused or contributed to the absence
- discuss how the employees work has been covered during their absence
- go through work that the employee may now need to pick up
- update the employee on any news they may have missed while they were off

How the return to work meeting will be conducted

The nature and the content of the meeting will vary dependant on the length and reason for the absence. Some meetings will be of a general nature with a discussion as to the reason for the absence, others will need to be more detailed.

- a return to work meeting form (see appendix A) should be completed by the manager in consultation with the employee
- the key areas to discuss are:
 - details of the absence for example the nature and length of the absence
 - are there any concerns regarding attendance levels
 - does the Academy require any information from the Employees General Practitioner regarding any medical conditions
 - what (if any) action is required to facilitate a healthy return to work
- the return to work meeting form must be signed by both the manager and employee. The employee request a copy of the form for their records and a copy should also be kept with the employee's attendance record

Outcomes of a return to work meeting

There are a number of possible outcomes from a return to work meeting which are outlined below;

- there are no underlying reason for the absence and the level of absence is not a concern, therefore no further action is necessary
- the employee may request support for an underlying reason for their sickness absence. In this case the academy may take all reasonable steps to support
- that sickness absence has reached a concerning level, in this case management may invite the employee to attend a meeting under stage 1 of the formal procedures

Formal Procedure for Managing Sickness Absence

In order to manage attendance effectively it is important that sickness absence is consistently reviewed. There are pre-determined review points which can alert management if an individual's attendance has reached a point where there may be cause for concern. The following review points are in place to monitor employee attendance.

Trigger points

- 6 days absence within six months
- 3 separate absences within six months
- four weeks of continuous absence
- patterns of absence e.g. Mondays and Fridays
- when operational need dictates

The review points themselves are not an automatic mechanism for taking action. All circumstances will be carefully and sensitively considered in order to treat you fairly, consistently and compassionately. When reviewing your absence, management will consider:

- what effect the absence is having on the operation of the academy
- the need for temporary cover
- the need to re-organise duties amongst other employees
- the effect of the absence on other employees
- the nature of the absence
- the likely length of continuing absence
- when the employee is likely to return to work
- the employee's ability to return to the same post
- can any assistance be given to speed up the return to work eg, redesign of the job, retraining, alternative work, a change in working hours
- the costs incurred as a result of the absence

Formal Procedure - Stage 1

If an employee's absence reaches a trigger point management will meet with them to discuss the following:

- the number, reasons and frequency of absences
- whether there are any underlying reasons for the absence e.g. a medical condition, Issues at home, Issues with colleagues, hours or workload
- what actions the academy can take to support the employee to improve their attendance
- what steps the employee will take to improve their attendance

The employee should be notified that they may be accompanied at any meeting under the formal procedures by a trade union representative or work colleague.

At the end of the meeting there should be:

- a record of what was discussed and agreed e.g. a record of any reasonable adjustments considered and/or agreed, any action either party has agreed to take
- an agreed action plan including targets for improvement and review dates
- a clear understanding that while the procedure is intended to support the employee to improve their attendance to an acceptable level that failure to improve could ultimately lead to disciplinary action and possibly dismissal
- all details of meetings must be recorded

Formal Procedures - Stage 2

Unless there are exceptional circumstances, if the targets for improvement set at stage 1 are not met then management will meet with the employee under stage 2 of the procedure. A stage 2 meeting should be conducted as soon as the employee's attendance falls below what has been agreed.

The stage 2 meeting should follow the same format as the stage 1 meeting except;

- management may seek permission to obtain medical information from the employee's General Practitioner
- it should be made clear to the employee that the stage 2 review period is the final opportunity to improve attendance and unless the targets for improvement are met, the next stage of the procedure could lead to dismissal
- the details of the meeting and any reviews should be recorded

If at this stage no long-term improvement is possible, and the academy is unable to sustain the level of absence, the matter may have to be referred to a medical capability hearing or ill-health retirement may be appropriate.

Formal Procedures - Stage 3

- A disciplinary hearing may be considered if absence is unauthorised or unacceptable (the academy cannot sustain it and the employee has shown no sign of sufficient improvement.) In these circumstances disciplinary action may be taken, (please see Disciplinary policy and procedure)

General Practitioner Reports / Occupational Health

In the event of persistent absenteeism, or long term absence (a period of sickness that lasts longer than two calendar weeks) an employee may be asked to give permission to the Academy to contact your doctor or to undergo an independent medical examination. Any costs incurred as a result of the medical examination

Medical Suspension

There are a number of situations where management may need to consider suspension on medical grounds. These may include;

- Pulmonary tuberculosis (employees must be suspended from work)
- Epilepsy (requiring suspension if any attack has taken place or whilst a medical investigation is underway)
- Psychiatric disorder (including alcohol and drug abuse)

If the decision to medically suspend an employee is taken, management will do the following;

1. meet with the employee and a representative if possible, to action the suspension
2. put into action any agreed processes, such as independent medical advice and support
3. continue to monitor and review
4. lift the suspension if appropriate and communicate this to the employee

Reasons for such a decision may include consideration for the protection of the employee's health, as well as the health, welfare of other staff and students who may be put at risk by the employee's medical condition. The suspension should be reviewed weekly or monthly and may be lifted at any time.

Long term absence or ongoing health problems

Long term sickness is defined as any continuous absence for four weeks or more. In the case of long term or ongoing absence management should maintain contact with employees throughout their absence, employees also have the responsibility to communicate/meet with management or in the circumstances that you are medically unable to do so, they should make arrangements for an intermediary e.g. Trade Union Representative, work colleague or a family member to communicate on their behalf. Employees should also ensure that they provide the academy with medical certificates as required.

Home Visits

In some circumstances employees may be unable to attend a meeting at the Academy. In this situation it may be appropriate for management to arrange an alternative neutral venue or possibly visit employees at home with their prior agreement.

Possible outcomes of long term absence

It is hoped that employees are able to return to work and continue to be fit to undertake their normal role. However, this may not be possible and a number of different outcomes may have to be investigated and supported by management.

Return to work (substantive post) with reasonable adjustments

The academy will seek to make reasonable adjustments to the workplace to enable an employee to return to work. Under the Disability Discrimination Act (DDA) 1995, there is a legal obligation for the academy to consider reasonable adjustments. At any time, management may feel that it may be appropriate to consider adjustments. This may include undertaking an assessment of the workplace and the employee's duties where there is any indication that the employee may be suffering health problems as a result of their work.

Under the Act, reasonable adjustments include:

- altering premises
- allocating some duties to another employee
- transferring the person to fill an existing vacancy
- altering working hours
- changing the person's place of work
- supplying additional training
- acquiring or making changes to equipment
- providing a reader or signer

Medical capability dismissal

If no long-term improvement is possible, and the Academy is unable to sustain the level of absence it may be necessary to terminate employment on the grounds that the employee is medically unable to fulfil their contract of employment.

If considering dismissal on grounds of medical capability management will arrange to meet with the employee and discuss the necessity for a report from an independent medical professional and to make you aware that dismissal is a possibility. The employee may be accompanied at the meeting by a Trade Union representative or work colleague. Management may take advice from the Academy's Human Resources Provider. Following the meeting, management will confirm in writing the details discussed.

The purpose of the meeting is to:-

- ascertain the employee's views on their current health situation, the possibility of a return to work and their fitness to do any other work

- discuss if ill health retirement may be appropriate
- discuss the possibility of the governors meeting to determine medical capability, which may result in dismissal
- to inform they employee that they have the right to provide your own evidence

Once the report from the independent medical professional has been received, the employee will be invited to attend a further meeting to discuss the findings of the report. You will also have an opportunity to respond to the findings of the report.

It is likely that the matter will then be referred to a nominated manager or a Governing Body panel to consider dismissal on grounds of medical capability where medical advice may have stated that;

- that the employee is permanently unfit to work
- they are unable to provide evidence of when the employee will be able to return to work
- they cannot confirm that the employee will be able to provide a reliable service

Medical capability hearing

Management may then arrange a meeting to determine medical capability. The decision will be made by an appropriate member of the Academy's Senior Leadership Team. Appeals will be heard by a committee of the governing body, a panel of three members.

At this stage the employee should receive written notification of the meeting along with a proposed running order of the meeting and any evidence that management will present at the meeting. The employee should receive five working days notice of the meeting.

The employee will have the right to be represented at the meeting by a recognised trade union representative or work colleague. Should the employee be dismissed on medical grounds the employee will receive notice pay in line with conditions of service. This will take effect from the date the employee is informed of the decision. The employee will be informed of the decision in writing along with their right of appeal.

The recommended procedure for the hearing can be found in appendix B.

Right of appeal

The employee has the right of appeal against the decision of the committee. The right of appeal against the decision of the committee may be exercised within 5 working days of the date of the letter confirming the outcome of the medical capability hearing. Appeals must be in writing to the Principal within the time scales outlined, giving full details of the grounds of appeal.

Medical capability appeal hearing

The Governing Body will arrange for those of their members who were not involved in the initial panel to hear the appeal against the determination. Wherever possible, no more than 15 days should be allowed from the date of receipt of the appeal before the appeal hearing is held.

The recommended procedure for the appeal hearing can be found in appendix B.

The decision of the Appeal Panel will be confirmed in writing. Should the committee overturn the decision to dismiss the employee on grounds of medical capability, the employee shall be reinstated and salary backdated to the date of the dismissal.

The decision of the appeal hearing is binding. There is no further right of appeal.

Appendices

Appendix A – Return to Work Meeting Form

Appendix B – Recommended procedure for a Medical Capability Hearing/Appeal Hearing

APPENDIX A



STRICTLY PRIVATE AND CONFIDENTIAL

RETURN TO WORK MEETING FORM

This form should be completed by the Line Manager in consultation with the employee

DETAILS OF THE MEETING	
Employee Name	
Job Title	
Department	
Date of the meeting	
Manager conducting meeting	

DETAILS OF ABSENCE	
Start date of absence	
End date of absence	
Total no. of days absent incl. ½ days	
Reason for absence	
Is the member of staff fit and well to be back at work? (check any unfit to work notes have ended)	
Does the member of staff feel that there is an underlying health issue connected with the absence? Has there been any medical involvement, e.g. GP/hospital care?	
Are there any factors at work / outside of work contributing to the absence?	
Provide updates on items at work member of staff may have missed	
Are there any adjustments required following the absence?	

Signed (Manager) _____ Date _____

Signed (Employee) _____ Date _____

Once completed this form should be forwarded to the Principal's P.A and a copy retained by the member of staff if they wish.

APPENDIX B

Procedure to follow at a Medical Capability Hearing/Medical Capability Appeal Hearing

The nominated manager or Chair will invite the manager presenting the case and the employee (including the representative) into the room together.

The nominated manager or chair will open the proceedings by introducing those present and their roles in the process.

The nominated manager will inform the employee (and representative) of the purpose of the hearing.

If the employee is not accompanied, the nominated manager must confirm that this is the employee's decision not to be accompanied at the hearing.

All those present are entitled to request an adjournment at any stage during the appeal to consider their situation. The nominated manager will decide if an adjournment is appropriate at that stage and how long is granted.

In cases of Appeal - The Chair will confirm the grounds for the appeal hearing and the process that will be followed. If the grounds for the hearing are unclear the Chair should obtain clarification before proceeding.

The nominated manager or chair will explain how the hearing will proceed. The process is as follows:

- The presenting manager will state the case to the employee including the calling of witnesses (if appropriate). Witnesses should appear one at a time and may only be present whilst giving evidence or being questioned.
- The employee and/or his/her representative may ask questions of the presenting manager and any witnesses. The presenting manager, nominated manager and advisors may also ask questions of all the parties. The presenting manager and the nominated manager may re-examine the witnesses. The witnesses will then withdraw.
- The nominated manager will invite the employee and/or his/her representative to present their case including the calling and examination of witnesses. Witnesses must appear one at a time and may only be present whilst giving their evidence or being questioned.
- The presenting manager and nominated manager may ask questions of the employee and any witnesses the employee and/or his/her representative and the nominated manager may ask questions of all the parties and re-examine the witnesses. The witnesses will then withdraw
- Witness may be asked to remain available as they may be required for further questioning.
- The presenting manager will sum up his/her case.
- The employee (or his/her representative) will sum up his/her case.
- The parties will withdraw from the room to allow the nominated manager to consider the evidence and come to a decision about whether medical capability dismissal is appropriate. Where in attendance, the advisor may remain but must not decide the outcome.

An adjournment may be required to obtain further information or advice before the nominated manager can reach a decision.

Deliberations

Where possible a decision will be given to the employee on the day of the hearing. However, if the nominated manager believes it will take some time to make a decision, the employee (and the representative) and witnesses should be informed and asked not to wait.

The employee (and the representative) should be recalled and told the nominated manager's decision and the right of appeal.

The decision and the employee's right of appeal must be confirmed in writing. A copy of the decision letter should be placed on the employee's personal file.

Deliberations in cases of Appeal

Where the Chair feels a decision may take some time, the other parties are asked not to wait. Witnesses are also told they may leave. Otherwise the panel considers all the evidence and reaches a decision straight away. The note taker will record the Chair's decision.

Once the decision has been reached the employee (and representative) and the manager presenting the case are recalled and informed of the outcome. The Chair may take one of the following types of action at the end of the hearing:

- To uphold the appeal and reinstate the employee
- To dismiss the appeal and uphold the decision

There is no further right of appeal against the decision of the Appeals Panel. The outcome of the appeal hearing should be confirmed in writing to the employee as soon as possible, a copy of the letter should be placed in the employee's personnel file.