



ATLAS Multi Academy Trust

Health & Attendance Policy and Procedure for Staff

Trust sub-committee: Standards Committee

Co-ordinator: Margaret Chapman

Last Reviewed: Autumn 2022

Next Review: Autumn 2024

St Albans Girls' School : Beech Hyde Primary School and Nursery : The Adeyfield Academy

Signed by:
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Executive Head Teacher

Signed by:
Rachael Kenningham
Chair of ATLAS Board of Directors

Changes since last version: This new policy replaces the STAGS Health & Attendance Policy and Procedure for Staff

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| <p>1.</p> | <p>Introduction</p> <p>The aims of this Health and Attendance policy are to set out the Trust's approach to sickness absence management, including but not limited to;</p> <ul style="list-style-type: none"> • its trigger points • the requirements for notification • the requirements for certification • its position on payment during sickness absence • ensuring employees and managers are aware of their responsibilities when sickness absence from work occurs • ensuring that any sickness absence is dealt with fairly and consistently • Its position into both short term and longer term absences from the workplace <p>This policy and procedure applies to all employees within the Trust, it does not form part of any employee's contract of employment and it may be amended at any time.</p> |
| <p>2.</p> | <p>Scope</p> <p>This policy covers short-term and long-term absences. The definitions used in this policy are:</p> <ul style="list-style-type: none"> • Short-term absence: frequent, intermittent, short periods of absence • Long-term absence: any period of absence over 28 days (calendar) • Trigger points: absence monitoring system to highlight levels or patterns of sickness that require further attention <p>In the case of a breach of this policy and procedure, employees may be subject to disciplinary proceedings and possible withdrawal of sick pay.</p> <p>Breaches include, but are not limited to, a failure to follow notification and certification requirements, when a Trust has reason to believe the sickness absence is not genuine and when the employee is undertaking inappropriate activities, including working for another organisation, whilst off sick.</p> |

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| | Other relevant policies may include: Disciplinary, Time off work (non-sickness), Wellbeing and Flexible Working Policies |
| 3. | <p>Trigger Points</p> <p>It is hoped that close monitoring and discussions with an employee regarding absence and attendance will result in an improved attendance record. However, if levels of sickness absence reach a trigger point your sickness absence may be discussed with the employees and managed in line with the Trust’s absence management procedures (section 11).</p> <p>In any six-month period, the trigger points are:</p> <ul style="list-style-type: none"> ● three separate occasions of sickness absence ● a continuous sickness absence of 10 working days or more ● an absence which appears to have a recurring recognisable pattern i.e. frequent absenteeism around a weekend ● a series of absences that impact on service delivery <p>These trigger points are for guidance only and the Trust reserves the right to raise any concerns at an earlier stage where there are reasonable grounds for concern, or at a later stage, where appropriate.</p> |
| 4. | <p>Sick Pay</p> <p><u>Statutory sick pay</u></p> <p>Subject to compliance with the Trust’s procedures, the Trust will pay statutory sick pay (SSP) to eligible employees at the national rate, which is subject to the deduction of tax and national insurance contributions.</p> <p>SSP is payable from the fourth day of absence and up to 28 weeks. To qualify for SSP, employees must complete and provide a self-certification form to the Trust.</p> <p><u>Company sick pay</u></p> <p>Subject to compliance with the Trust’s procedures, the Trust will pay company sick pay (see appendices 1 and 2). Eligibility for occupational sick pay including duration and level of payment, is in accordance with the relevant conditions of service.</p> |
| 5. | <p>Medical appointments</p> <p>The Trust will allow reasonable time off where appointments are unable to be scheduled outside of working hours.</p> <p>Before arranging non-urgent medical appointments, employees should seek approval from the Head Teacher and should endeavour to arrange appointments at the beginning or end of the day, or during lunchtime, to minimise the time they have to be absent from work. Evidence of the appointment may be requested by the Trust.</p> |
| 6. | <p>Notification Requirements</p> <p><u>First day of absence</u></p> <p>It is a requirement that employees telephone the absence line to report that they are too unwell to come to work. The employee should aim to do this as early as possible and before their normal start time.</p> |

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| | <p>In circumstances where the employee is incapacitated or unable to contact the Trust to report their absence, their next of kin should do so on their behalf, at the earliest opportunity.</p> <p>It is not permissible to contact the Trust by email, text message or via social media without prior permission.</p> <p><u>Ongoing absence</u></p> <p>For each subsequent sick day after the first day of absence, the employee should telephone their line manager before as early as possible and before their normal start time. However, managers should use their discretion and can agree to different arrangements as appropriate.</p> <p>A failure to report ongoing absence in accordance with arrangements agreed with a line manager, could be constituted as a breach of policy and reporting requirements. This may result in sick pay being withheld and it should be noted that there is no obligation to reinstate pay in such cases.</p> |
| <p>7.</p> | <p>Certification requirements</p> <p><u>Absence up to 7 days</u></p> <p>Employees are permitted to self-certificate for any absence up to 7 days (calendar, inclusive of bank holidays).</p> <p>A copy of the complete self-certification form should be provided to the Head Teacher upon a return to work in order for sick pay to be processed.</p> <p>Unless specifically requested, employees are not required to provide a statement of fitness for work i.e. 'doctors fit note', for absences up to 7 days.</p> <p><u>Absence over 7 days</u></p> <p>Where sickness absence lasts longer than 7 calendar days, medical evidence is required in the form of a fit note and should cover the duration of the absence.</p> <p>If a fit note expires and the employee is not well enough to return to work, the employee should obtain a further fit note to ensure their absence is certified and should provide it to the Head Teacher at the earliest opportunity.</p> <p>A failure to maintain certification in the form of a fit note for the period of absence may constitute a breach of policy and reporting requirements. This may result in sick pay being withheld and it should be noted that there is no obligation to reinstate pay in such cases. Should any employee become aware that they are unlikely to be able to provide a new certificate in good time, they should ensure that this is reported to the Trust at the earliest opportunity, and in any case prior to the current note expiring, with information on when it should be expected.</p> <p>The Trust reserves the right to require employees to obtain a fit note for absences of any duration. In circumstances where the employee incurs a cost for obtaining a fit note for an absence up to 7 days, the Trust will reimburse reasonable costs incurred.</p> <p><u>Certification during school holidays</u></p> <p>Where an employee is not fit to work on the last day of term and is not fit for work on the first day of the next term, a fit note is required to cover the holiday period.</p> |

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| | <p><u>Sickness during annual leave</u></p> <p>If an employee becomes unwell during annual leave and wishes to treat this as sick leave and reclaim annual leave, they will need to provide appropriate certification.</p> |
| 8. | <p>Maintaining Contact</p> <p>It is a requirement that contact is maintained between employer and employee.</p> <p>It is anticipated that at an early stage of the absence, arrangements will be made between employee and employer as to the frequency and form contact is to take.</p> <p>A failure to maintain reasonable contact may be dealt with under the Trust’s disciplinary policy.</p> |
| 9. | <p>Return to work following period of absence</p> <p>It is good practice for return to work meetings to be carried out when an employee returns to work after a period of absence. These will be carried out by:</p> <ul style="list-style-type: none"> ● The line manager where there has been one period of absence in the last 6 months ● The Trust HR Manager where there have been two periods of absence in the last 6 months ● The Head Teacher when a trigger point has been met <p>A record of the meeting should be made using the self-certification and return to work form. A copy of this form should be given to the employee and the original placed on the employee’s personal record file.</p> <p>The purpose of the meeting is to welcome the employee back to work and to clarify that the employee is fit to carry out the duties of their post. The meeting will also establish the reasons for the absence and highlight any additional support required. Any concerns regarding absence may be raised and measures identified to support the employee to improve attendance and help prevent its reoccurrence.</p> <p>Employees should be made aware when they are near to reaching the Trust’s trigger points and the potential implications of this.</p> |
| 10. | <p>Occupational health referral</p> <p>During any period of absence (short-term and long-term) or upon return to work, the Trust may require an employee to engage with an occupational health provider, to obtain medical advice into their health or reason for the absence. Employees may also request a referral to occupational health services to obtain support.</p> <p>Employees are expected to attend an appointment, cooperate with the occupational health professional and provide consent for the release of medical information.</p> <p><u>When to make a referral</u></p> <p>The Trust may consider making a referral in the following, non-exhaustive, circumstances:</p> <ul style="list-style-type: none"> ● where it is anticipated or known that the absence is going to last four weeks or more (the absence need not have exceeded four weeks at the time of making the referral). ● where there is a concern over persistent short-term absence prior to or during an attendance improvement plan. ● where a trigger point is met, unless a referral has already been undertaken recently. |

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| | <ul style="list-style-type: none"> • where there is a concern of any nature where there appears to be an underlying medical condition. • when an employee has been absent with, or appears to be suffering from, mental health issues (i.e., stress, anxiety, depression); or • where there are concerns about an employee’s health and/or safety in the workplace and medical advice is required. <p>Referrals may not be necessary for routine procedures which require a fixed period of convalescence, unless complications arise.</p> <p><u>Occupational health recommendations</u></p> <p>A report by an occupational health provider is advisory. The report may contain recommendations of support and reasonable adjustments including a phased return to work or temporary or permanent adjustments to an employee’s role. The report should be discussed with the employee and the Trust should decide whether recommendations are reasonable and can be implemented.</p> <p>In the event that the employee is unable to fulfil the role, retirement or termination of employment on ill health grounds capability may be considered.</p> |
| <p>11.</p> | <p>Informal and formal absence management procedures</p> <p>The management of absence is based on the principle that, whilst absence due to ill health will not usually be the fault of an employee, there may come a point where the employee is deemed incapable of undertaking the role they were employed to do.</p> <p>The point at which a manager decides to move an employee to the formal process will vary from case to case.</p> <p>Timescales for each stage will depend on individual circumstances and some sickness absence issues may be dealt with over a longer or shorter period than others.</p> <p><u>Right to be accompanied</u></p> <p>The employee has the right to be accompanied at a formal meeting by a trade union representative or appropriate work colleague.</p> <p>The employee should provide the name of the companion within 2 working days of the meeting. Where the chosen companion is unavailable on the day scheduled for the meeting, the employee may request the meeting is rescheduled within 5 working days of the original date. If the employee is unable to attend the meeting in this timeframe, the meeting may take place in a timeframe at the discretion of the Trust. If the companion remains unavailable, the employee may be asked to choose another companion.</p> <p>There is no right to be accompanied at informal meetings. This will only be permitted where it is deemed to be in the interests of an early resolution and where there are particular circumstances in which an employee needs additional support. In such cases an independent note-taker may also be present. In an informal meeting, a delay to allow the attendance of a companion is discretionary.</p> <p>During the meeting the companion may put the employee’s case forward and confer with the employee, they may not answer on the employee’s behalf or address the attendees if the employee demonstrates they do not wish this.</p> <p><u>Informal absence review meetings</u></p> <p>Informal review meetings are arranged to discuss, including but not limited to, the cause of the absence, anticipated return to work, fitness for duties, support and reasonable adjustments.</p> |

The employee should be advised of any sickness absence concerns and feedback should be constructive, with the emphasis being placed on finding ways to support the employee and improve attendance wherever possible. The employee should be given the opportunity to provide feedback and to respond to any questions from the manager.

An attendance improvement plan (AIP) may be an outcome of an informal meeting in cases of persistent short-term absence or a series of intermittent absences. An informal meeting will not result in any formal warnings being given to the employee.

Attendance improvement plans (AIP)

An attendance improvement plan is a tool used to record the attendance level an employee will need to achieve. It is used to improve and maintain attendance to a level that is acceptable to the Trust. An AIP can be implemented in both informal and formal management procedures.

The tool can be used to re-align expectations around attendance standards, measure progress against those standards and put in place specific support mechanisms to ensure that a more consistent and effective level of employee attendance is achieved.

The AIP should give the employee adequate time to demonstrate attendance has improved in a sustainable manner and should include details of the support the employee will be offered to help them achieve improved attendance.

Throughout the review period, the employee's progress will be reviewed to assess if any further action and/or support is required. If the employee's attendance levels have not improved to an acceptable standard within the period agreed, consideration will be given to the management of the absence moving forward, including escalating the process to the formal stage.

Formal meetings

If an employee's absence is of concern and or informal action has not succeeded in improving attendance to an acceptable level, consideration will be given to whether there are grounds for undertaking formal action. The formal process can be applied to cases of frequent short-term and long-term sickness absence.

The purpose of the formal process will be to give an employee support to help them to achieve the expected attendance levels. If improvement is not made or maintained, formal sanctions may be issued to manage the absence and communicate expectations.

At the meeting the employee will be given the chance to state their case and raise any factors they wish to have considered.

At every stage of the formal absence management procedure, the employee will:

- be given advance notice of any formal meeting in writing.
- be advised in writing of the nature of the attendance concerns.
- have the right to be accompanied by their professional association/ trade union representative or appropriate work colleague; and
- have a right of appeal against any decision made.

Employees should make all reasonable efforts to attend meetings convened under this policy. If the employee fails to attend without good reason or is persistently unable to attend due to health issues, a meeting may be convened, and a decision taken based on the available evidence in the absence of the employee.

Formal Meeting Conversation

The following matters, depending on the nature of the case, can be discussed during formal meetings:

- circumstances of the absence and actions taken to date, including a summary of absence records to date.
- the reason for the absence, how much longer it is likely to persist and if the employee will be able to return to their job.
- the operational impact of the absence.
- the contents of any occupational health reports and/ or medical evidence and whether there is a requirement for further occupational health input.
- relevant risk assessments or other plans implemented as part of the informal process
- attendance improvement plans and whether the targets were met.
- relevant issues or representations raised by the employee.
- grounds for concern and appropriate action.
- reasonable adjustments and/or re-deployment.
- if the ongoing absence could result in termination this should be disclosed.
- timescale for further meetings; or
- any other reasonable areas for discussion.

Formal meeting outcomes

Formal meetings will adjourn for those hearing the case to consider whether a sanction should be issued to the employee. The outcome can either be communicated to the employee after the adjournment on the same day, or alternatively, the employee can be written to and informed of the outcome, if the duration of the adjournment is likely to be lengthy.

The type of sanction issued will be based on the specifics of the absence case. A series of warnings are not fault based sanctions for absence but an indication that ongoing absence could result in the termination of employment.

The outcome of a formal absence review meeting could include;

- First written warning and/ or an attendance improvement plan
- Final written warning and/ or an attendance improvement plan
- Dismissal: where the employee has been issued with formal first and final written warnings and continues to be unable to exercise their duties; or
- Dismissal: where the employee has not been issued with a first or final written warning but is unable to exercise their duties due to ill health capability.
- Prior to a dismissal of this nature the Trust should have considered:
 - if the employee has been absent on a long-term basis
 - if the Trust has allowed for a reasonable period of recovery
 - if medical advice has been sought and considered
 - if a return to work in the short-term is unlikely
 - if there are reasonable adjustments that would enable the employee to return to work

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| | <ul style="list-style-type: none"> ○ if the Trust can demonstrate that they cannot sustain a longer period of absence <p><u>Duration of warnings</u></p> <p>In circumstances where a warning is issued, it will be 'live' for a period of 12 months, unless the employee is notified otherwise.</p> <p><u>Appeal</u></p> <p>The employee has the right to appeal against any formal sanction. To exercise this right, they must write to the person specified clearly stating the grounds for appeal, within 7 days from receipt of the letter.</p> <p>An appeal will be heard by an appropriate person who was not involved in the original meeting. At the discretion of the Trust, the appeal will be a rehearing or a review of the original decision. New evidence will only be considered if relevant and there is sufficient reason why this has been referenced earlier.</p> |
| 12 | <p>Ill health retirement</p> <p>Ill health retirement can be considered before the decision is taken to terminate employment. The option for ill-health retirement is subject to meeting the eligibility criteria set out by the relevant pension provider.</p> <p>For non-teaching / support staff, in some circumstances, it may be possible to mutually agree a date that employment will end avoiding the need for a formal hearing however it must still be treated as a dismissal.</p> |



Appendix 1

Sick Pay Entitlement for Teachers

| Teachers | |
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| During the first year of service | Full pay for 25 working days and after completing 4 calendar months' service half pay for 50 working days |
| During the second year of service | Full pay for 50 working days and half pay for 50 working days |
| During the third year of service | Full pay for 75 days and half pay for 75 working days |
| During the fourth year and successive years | Full pay for 100 working days and half pay for 100 working days |

Note: For teachers, working days are the days defined as 'directed time' (currently 195 per school year). Years of service are based on aggregated service.

Appendix 2

Sick Pay entitlement for Support Staff

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| First 2 days absence in each period of absence | No pay, unless a medical certificate is presented |
| During the first 6 months of service | Statutory sick pay |
| During months 7-12 of service | 1 month full pay and 1 month half pay |
| During the second year of service | 2 months full pay and 2 months half pay |
| During the third year of service | 3 months full pay and 3 months half pay |
| During the fourth year of service | 4 months full pay and 4 months half pay |
| Additional disability leave allowance | Up to 5 extra days paid disability leave per year available to those employees who have a disability defined by the Equalities Act 2010 |
| Additional Pregnancy related sick leave | Up to 5 extra days paid pregnancy related sick leave for women who experience pregnancy related sickness. |
| <p>Note 1: For company sick pay entitlement record purposes (and without prejudice to the National Council's arrangements for self-certification days and to any local agreements on 'qualifying days' for statutory sick pay purposes) 'one month' is deemed to be equivalent to 26 working days, Saturday being reckoned in all cases as a working day.</p> | |
| <p>Note 2: If an employee has suffered an injury during the course of their work duties, and this has been confirmed in writing by the Department of Work and Pensions (DWP) then the employee is entitled to receive the first four months of their absence as full pay (for the first two days of absence pay will not be deducted). If they are still absent after the first four months then their normal sick pay entitlement will begin.</p> | |
| <p>Note 3: Entitlement is based on continuous service.</p> | |

Appendix 3

Self Certification Sickness Absence and Return to Work Meeting

This form should be completed and placed on the employee's file and a copy given to the employee.

Employee Details

| Title | First Name | Last Name | Job Title |
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Return to Work Meeting

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| Date of meeting: | |
| People present at meeting: | |

Details of Sickness

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| Date became unfit for work | |
| Last date unfit for work | |
| Total number of days absent in last 12 months | |
| Total number of occasions absent in last 12 months | |
| Have any trigger points been reached? | Yes / No |
| <p>Trigger points (<i>highlight as appropriate</i>)</p> <ul style="list-style-type: none"> ● There are 3 or more instances of absence in any rolling 6 month period ● Accumulated ten or more working days absence within any rolling 6 months ● Absence appears to have a recognisable pattern, for example frequent absence around a weekend ● There are a series of absences that impact on service delivery | |

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| Reasons for Absence: | |
| Details of discussion including any support offered: | |

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| Details of the impact of the absence on the school /employee workload | |
| Details of AIP being introduced if appropriate | |
| Details of any Occupational Health referral | |
| Employee signature | |

Please note: knowingly making a false statement may result in disciplinary action being taken and sick pay being terminated.

Authorisation

I certify that I have:

- Discussed the absence with the employee
- Ensured that the necessary certifications are completed and retained on file
- Ensured that the information is passed to Payroll on the Time Sheet Monthly Return

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| Manager / HR signature: | Print Name: | Date: |
| Head Teacher signature: | Print Name: | Date: |