GUIDANCE NOTES

FOR THE

MANAGING ATTENDANCE/SICKNESS CAPABILITY POLICY FOR SCHOOLS
MAY 2006

Additional guidance - to be read in conjunction with the Managing Attendance/Sickness Capability Policy for Schools

Revised: 11/02/2013
**Guidance for Managing Attendance**

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MANAGING ATTENDANCE

The following guidance notes are additional support and information for the Head Teacher to assist them with implementing the procedures in the main policy document therefore must be used in conjunction with the main policy and not as a separate document.

1.0 Pre-employment Health Screening

Prospective employees are sent a Pre-employment questionnaire as part of the recruitment process. If there are any questions on the form answered ‘yes’ then it should be referred to Human Resources, where a decision will be made as to whether a referral to occupational health is required. The pre-employment form is HR/EP1A.

Occupational Health guarantees a response time of three working days for pre-employment checks, where further referral is not required. Pre-employment referrals must be sent to Employee Services where they are recorded and sent directly to the Occupational Health provider.

It is essential that schools do not, in any way, discriminate against applicants with disabilities. Disability does not in itself indicate ill health or that the individual will have sickness absence problems, if employed. Similarly, people with chronic conditions are perfectly capable of working, provided that their condition is properly treated and the job is an appropriate one, with adequate support and resources provided.

Any problems encountered within this process contact Employee Services or Human Resources.

2.0 Sickness Monitoring/Reporting

The Head Teacher must ensure all new employees know how to report sickness absence and should give them a copy of the reporting procedure identifying any requirements specific to the school.

The Head Teacher should ensure that all employees are being treated fairly and consistently and the points noted below are being carried out in all cases:

♦ Sickness reporting procedures are being observed by all employees
♦ Regular contact is maintained by and with all absent employees
♦ Return to work meetings are carried out after all absences

An analysis should be made on the frequency and pattern of all employees’ attendance records on a regular basis.

A sample of an individual record is form HR/SCH/EP8A.
Accurate and well-presented information is necessary for audit purposes and to ensure the employee is paid appropriately. It is also essential should evidence ever be required to be presented at a tribunal.

In employment tribunals, procedure and fairness are considered of the utmost importance and this can only be proven with clear, legible records and records of actions required and those taken.

3.0 SAP Forms

At the end of every month, each school must complete the SAP form HR033, Staff Absence – sickness. This is to ensure all employees are paid appropriately and that sickness statistics that are derived from SAP are accurate.

4.0 Suspending Sick Pay

An employee is entitled to claim sick pay only if they comply with the sickness reporting procedures.

Normally sick pay would only be withheld where an employee has received a warning that should they not make contact or comply with the reporting procedure then their sick pay will be withheld. Although this warning can be given verbally it is essential to follow up in writing, as evidence.

Where sick pay is withheld the situation should be kept under review. Depending on the subsequent developments it may be appropriate to reinstate the sick pay. Further advice can be sought from Human Resources.

5.0 Return to Work Meetings

It is not normally appropriate to have a trade union representative or Human Resources involved in Return to Work meetings.

Return to work meetings are an essential part of the attendance management policy, and important to both the school and the employee. It is an opportunity to assist and support employees and possibly to minimise future sickness absences. The Head Teacher can express any concerns, discuss how the employee is feeling and whether a full recovery has been made. It can also give the employee the opportunity to express any concerns they may have with returning to work and/or returning to the school and ask for any advice/support etc. For some employees returning to work is difficult and assistance is required.
Before the return to work meeting the Head Teacher should:

1. Check the facts, such as the amount and periods of sickness absence the employee has had and the reasons for this. This info should cover the previous 12-month ‘rolling’ period.

2. Check if the employee has reached any “triggers” (refer to the policy)

3. Consider all previous absences and whether the employee has had frequent absences for the same reasons

4. Consider whether there are any patterns emerging (e.g: long weekends, every Friday absent after a Thursday night out, regular days off)

5. Try to ensure that the meeting is set for early on the day of return, preferably before the employee settles back into work

6. Consider the impact of the employee’s absence on the school, children and colleagues, where there are any particular problems that need highlighting.

The following is an outline of how a Head Teacher or the nominated person might approach a return to work meeting

1. Explain the purpose of the meeting and encourage the employee to be open and honest. For example the meeting may be opened with “I understand you were unable to attend work due to ………., are you now recovered/feeling better”.

2. Confirm that the meeting is confidential and in line with the managing attendance policy e.g: “As you know I see all employees on their first day back from sickness to discuss their absence, it is a requirement of the policy”

3. Confirm the reason/s for absence e.g: “I gather you were off because of flu, was that the reason (confirm)?”

4. Ask if there are any after effects of the illness that you, as the Head Teacher, should be aware of and can any assistance be given – bear in mind the support/assistance mechanisms in the main policy. Ask if there is anything in particular that triggers the health issue, generally what medical assistance has been sought and how successful was it.

5. If patterns have emerged – discuss them e.g: “I notice you have unfortunately had to have a number of Fridays off – is there a special problem?” “Do you have any problems at home that are perhaps having an impact on you?” (They may not want to share this
at this stage but the Head Teacher needs to be supportive and offer any assistance available).

* **Remember** the Council does have a direct telephone line counselling service – firstassist – speak to Human Resources for further information

6. Explain that their absence has had an effect on the school/colleagues and the work in progress. e.g: “...was able to cover your class on Tuesday, but supply cover had to be arranged for Wednesday” Make a point of acknowledging the individual’s contribution and that they are a key resource to the success of the school.

7. Depending on the length of time the employee has been on sick leave, they may need updating on any developments during their absence.

8. Where the employee’s attendance is giving cause for concern and one of the attendance triggers has been reached, explain the sickness capability procedure and that a monitoring period will be instigated. The Head Teacher must record this on the Return to Work Record.

**NB.** If an employee is returning to work after long term sickness then their absence record over the last 12 months rolling period should consider both long and short term absences that have occurred. Long and short term absence should not be treated separately and a formal meeting should take place, but the Head Teacher should discuss the individual situation with Human Resources.

**6.0 Sickness Capability Procedure - Short Term Absence**

Following the return to work meeting if there are concerns with a particular employee and/or the employee has reached the triggers the monitoring period must be implemented and improvements in levels of absence (with achievable targets) must be discussed at the return to work meeting.

**6.1 Confirming outcomes**

The outcome of the meeting **must** be confirmed in writing detailing the following: (sample letter LET/SCH/002):

1. The situation to date including the number and frequency of absences
2. The impact of the absences on school
3. Any agreed course of action
4. The improvements that are required and the timescales involved (employees must know what is expected of them and how you will monitor and measure their absences)
5. Details of any review period
6. That failure to improve attendance to an acceptable level could threaten future employment

A copy of all the letters must be sent to Employee Services to be placed on the employee’s personal file.

6.2 Formal meeting

Throughout this formal part of the process employees have the right to be accompanied by a Trade Union representative or a work colleague. The Head Teacher or nominated person should have a representative from Human Resources with them. Formal meetings should be confirmed in writing giving 5 working days notice.

If following the monitoring period an employee’s absence has not improved significantly or other issues have arisen with sickness absence then it may be appropriate to require a formal meeting. Formal meetings are normally chaired by the Head Teacher who has been dealing with the case all the way through. At this formal meeting the Head Teacher should have a copy of the relevant employee’s attendance record.

The following is an outline of how the Head Teacher might approach a formal meeting:

1. Indicate your concern about the level of absenteeism. e.g. “I have here a copy of your sickness absence dates and I am concerned to see the number of days/ frequency of your absence, as discussed previously with you it has again reached unacceptable levels”.

2. Establish the cause of the frequency/pattern of the absences. e.g. “Are there any underlying health problems that we should be aware of or any other reasons that are preventing them from attending work.”

3. Highlight the impact that the absences are having on the school and their work colleagues. e.g. “You will be aware of the impact your absence is having on your colleagues, we want to support you in your return to work to alleviate some of the tasks that I have relied on your colleagues to complete”.

4. Identify whether there are any environmental or other external factors contributing to the absences. e.g. “are there any environmental problems in the school/classroom that you feel have contributed to your absence?”

5. Explore all possible solutions – ask the employee what they consider would be the solution. E.g. “I have suggested a number of solutions, is there anything that you have thought of, anything that you are aware of that would assist in progressing this process?”

6. Provide every opportunity for the employee and/or their representative to respond and comment.

6.3 Outcomes following formal meeting

There are a number of possible outcomes of the meeting:
• To set a further monitoring period
• To refer to occupational health
• Consider physiotherapy treatment
• To consider adaptations to working practices
• To agree different working hours
• To consider the use of special leave and/or unpaid leave arrangements
• To issue a formal written warning. (For further advice speak to Human Resources – sample letter LET/SCH/003)
• To signpost employee to Lancaster LifeAssist EAP for telephone counselling/support
• To consider referral to the Support Officer or the Counsellor
• To consider combination of the above

7.0 Sickness Capability Procedure - Long Term Absence Processes

Each case of long-term absence will be different and must be treated on an individual basis. Whatever the final outcome of a situation, any action taken by Head Teacher/Governing Body must be seen to have been reasonable and fair. The Head Teacher may reach a point where they can no longer accommodate the result of long-term absence. In these circumstances advice must be sought from Human Resources.

7.1 Welfare Contact

It is the responsibility of the Head Teacher to make a noted contact with the employee or arrange to meet the employee. This can be a telephone call and brief notes, and a letter sent confirming the discussion. If it is decided a meeting will take place a sample letter confirming the meeting is LET/005. Short notes of the meeting should be kept with return to work records.

This meeting may be the first face-to-face contact that anyone from the school has had with the employee since they went off sick, so should be quite informal and conducted in a sensitive manner.

It should also be carefully explained to the employee that this is only the first stage of the managing attendance policy and ‘hopefully’ informal. It can also be explained that any future meetings will involve a representative from Human Resources and that they will be given the opportunity to have Trade Union representation or a work colleague with them.

Some Head Teachers or nominated person may find such situations difficult, the following is an outline of how you may first approach this:

1. Open the conversation with -“Hello, how are you?”
   “You are looking much better, how are you feeling?”
2. Explain the purpose of the meeting. e.g. “In line with the managing attendance policy you are aware that I need to maintain contact with you and have face to face meetings. It is hopefully intended to enable us
both to get up to date with your health and discuss any issues related to this and that if in any way I, or the council can assist/add support to you returning to work.”

3. Some questions that you may need to ask throughout the meeting:
   - When did you last see your doctor, what did he/she say?
   - Are you taking any medication, do you feel it has helped?
   - Has the doctor suggested anything other than medication eg; exercise, reading, physiotherapy, counselling?
   - Can the council help with any of this – is there a waiting list?

4. You will have to include in your discussion returning to work. e.g.
   - “Did your doctor give you any indication of when you may return to work?”
   - “Did the doctor give you any indication of how long you take the medication before you benefit from the full effects?”
   - You may need to refer the employee to occupational health for further advice or if there are any particular problems (advice can be sought from HR prior to you doing the meeting or when you return)

Remember the Council has a number of support mechanisms - look in the main policy, it may assist in getting the employee back to work quicker!

7.2 Confirming Outcomes

The Head Teacher must ensure they follow up anything they have agreed to do following the meeting e.g ask payroll to check on sick pay entitlement, send information on current changes etc.

The Head Teacher should make brief notes during the meeting and a summary in the form of a letter should be sent to the employee following the meeting.

This may include

1. How the employee is feeling
2. When they are next due to see the doctor
3. If any planned return to work
4. When/how often the employee will contact
5. Referral to occupational health
6. Advice given on the support mechanisms
7. Timescales for next meeting
7.3 Occupational Health Referral

The following notes are to assist in the completion of the referral form. The procedure is in the main policy. On occasions occupational health referrals may also be required within the short term procedure.

Referral form

An employee should be sent a letter to confirm they are to attend occupational health if this has already been mentioned in a previous letter then there is no need to duplicate a sample letter is LET/SCH/006. If there is a need to refer an employee to Occupational Health whilst they remain at work, sample letter LET/SCH/006B can be used.

To refer an employee to occupational health form HR/SCH/EP4D must be completed. The information below offers suggestions on what to mention/ask at each section of the form. Remember please phrase the information tactfully as this may be used as evidence at a later date.

**Personal details:** The school should already have most of the personal details required for the form. If any further information is required then it may be necessary to ask the employee or contact Human Resources/Employee Services to check personnel records.

**Principal duties of post:** main duties of the post must be included or a copy of the employee’s job description attached to the referral form.

**Reason for Medical Referral:** tick as many boxes as appropriate and add other reasons as appropriate.

**Nature of problem:** explain briefly what health problems the employee has, if there are persistent recurring sickness absences, how/if it is affecting their work and any concerns you may have. It is useful to say when the employee went off sick and how long the current Statement of Fitness to Work (Fit Note) is for. Discuss what support mechanisms have already been put in place. Explain what is expected of the employee. If you are in any doubt that they are able to do their job, explain why. Remember you can attach a separate sheet or complete electronically. You must remember the more information you provide the more background information the doctor has.

**Specific advice required:** tick as many boxes as appropriate and add any additional questions. The Occupational Health provider needs to know what you want to know from them!

7.5 Failure to attend

Should the employee not attend occupational health on the first appointment Human Resources will ask the Head Teacher to confirm with the employee the reasons for this. Following this, if appropriate, Human Resources will arrange a second appointment. If the employee does not attend on two
occasions or refuses to attend occupational health then they must be informed that a decision will be made on the information available (without the professional/medical advice from the council’s doctor)

7.6 Occupational Health Report

Once the Head Teacher has received the report he/she will arrange the formal meeting and with support/advice from Human Resources, he/she will discuss with the employee the outcome of the doctor’s report. A sample letter inviting the employee to a meeting to discuss the report is LET/SCH/007, this includes giving the employee the opportunity of having a trade union representative with them.

The Head Teacher must send a letter to the employee confirming the outcome of the discussion. This letter will vary depending on the case; advice on content can be sought from Human Resources.
7.7 Rehabilitation options

A number of options may be considered in each individual case. The Head Teacher should be seen to be as supportive as possible and must consider all options around a phased return to work and the needs of the school. This should include any work adaptations or adjustments as specified on the Fit Note.

The policy shows that a phased return/reduced duties etc is available for a maximum of four weeks. It is expected that the employee will return to work on full pay during this period (it is a mechanism of paying for the employee to be at work rather than to be paid sick pay at home). An employee cannot remain on the sick during a phased return to work; they must have agreement from their GP and will likely be provided with a Fitness for Work note outlining guidance on any adjustments needed to support a return to work.

The Head Teacher must confirm agreed phased return arrangements in writing. An example of such a letter is LET/SCH/008

7.8 Redeployment

If medical evidence suggests the employee may not be fit for their own job but for another job then redeployment will be a consideration. Seek further advice on the procedure from Human Resources

8.0 Sickness capability procedure – Long term absence conclusion
(to be read in conjunction with the procedure in the policy)

a. Paid sickness leave is there to give employees the chance to recover without money worries. It is costly so of course the school want to ensure that employees are helped to return to work as soon as possible. This is obviously also good for employees since long periods of sickness absence can lead to stress and anxiety. However the cost of sickness absence and/or the ability of schools to fund this can never, in isolation be the reason for actions.

All employees need to be treated consistently and fairly and helped back to work wherever possible.

b. There are always some cases where the Head Teacher/Governing body has to take the difficult decision to terminate employment. When this happens it has to be for an acceptable reason. Any decision to terminate a contract may have to be justified later as being a ‘reasonable’ decision, perhaps at an Employment Tribunal and so it is important that the procedure is followed and the Head Teacher keeps notes of all meetings.

c. The Head Teacher must invite the employee to any formal meeting by letter. However they may speak to them by telephone but ensure this is followed up with a letter to confirm date, time and venue and the right
to be accompanied by their trade union representative or a work colleague.

d. Due to the particular circumstances surrounding individual employees’ long term absences, it is not possible to prescribe exactly how many meetings should be held with each employee prior to considering possible termination of employment on the grounds of capability. The Head Teacher should feel they have been fair and maintained regular contact and kept the employee fully informed about what is expected of them. The employee must be forewarned, in writing, that consideration of dismissal may be an outcome prior to any termination. A sample of this and a summary of the meeting is letter LET/SCH/004.

e. Each case must be considered on its individual merits but when an employee is reaching an absence level of over 6 months a view has to be taken as to what is a reasonable amount of time for illness/operations/problems to be resolved and termination of contract may need to be considered at any time between 6 – 12 months. In reaching a decision along this course of action the following factors must be taken into account.

- The length of an employee’s employment
- The nature of the job
- The nature, length and impact of the employee’s illness or incapacity
- The medical information from occupational health
- The needs of the school for their post to be filled
- Whether suitable alternative employment is available and/or acceptable
- Whether in the circumstances, a reasonable employer could be expected to wait any longer.

f. The Head Teacher should check their written documentation to ensure all parts of the procedure are covered.

g. The meeting is normally chaired by the Head Teacher who has been dealing with the case all the way through. The meeting should be arranged as follows:

- The Head Teacher or nominated person must arrange the meeting.
- The employee must be notified in writing and in advance (usually 5 days notice). Give reason for meeting ‘Formal Sickness Capability meeting’
- A Human Resources representative must attend. Notify HR before you notify the employee to ensure appropriate time can be allocated.

h. Normally the HR Advisor involved in the case will inform the Head of Human Resources, present a brief on the case and the possible outcome.
i. Letters of dismissal should be on the relevant school letterhead and signed by or on behalf of the Head Teacher/Governing Body. A sample letter is LET/SCH/011.

j. Appeals must be received by the school within 10 days of the employee receiving the written notification. They should be addressed to the Head Teacher/Governing Body. Appeals will be heard by the appropriate committee of the Governing Body.

9.0 Equality Act 2010

Under the Equality Act 2010 employers are asked to make reasonable adjustments to the workplace and the building to ensure employees with a disability are treated no less favourably than employees that do not have a disability. It is always very difficult to state what is reasonable. The following information will assist you when dealing with such cases.

The following are examples of reasonable steps an employer may have to take:

- Making adjustments to premises
- Allocating some of the disabled person’s duties to another person
- Transfer of the employee to fill an existing vacancy
- Altering hours of work
- Assigning to a different place of work
- Allow absence during working hours for rehabilitation, assessment or treatment
- Arrange for training to be given
- Acquiring or modifying equipment
- Providing a reader or interpreter

In determining whether it is reasonable for an employer to have to take a particular step in order to comply, regard shall be given to:

- The extent to which taking the step would prevent the effect in question
- The extent to which it is practicable for the employer to take the step
- The financial and other costs which would be incurred by the employer in taking the step and the extent to which taking it would disrupt activities
- The extent of the employer’s financial and other resources
- The availability to the employer of financial or other assistance with respect to taking the step
10.0 Leavers/Dismissals

a. The Head Teacher/Governing Body must send a letter to employees that leave or are dismissed stating: the final date of employment, any additional salary payments (payment in lieu of notice or notice period.

b. The Head Teacher must inform Employee Services of any leavers/dismissals stating any additional payments to be made: the number of weeks notice (if any), number of days holiday (if any), and any appropriate deductions. This information can be notified by e-mail or telephone.

c. Employee Services will inform the Teesside Pension fund or Teachers’ Pensions (as appropriate) of an employee’s leaving date and any additional information required.
Appendix 1

Keeping in Touch with Employees

Whilst the Managing Attendance/Sickness Capability Policy stresses the importance of maintaining contact with employees when they are off work, the policy does not include any standards for the frequency of this contact.

The following is suggested as a minimum standard for maintaining contact –

- Employees absent for up to 20 working days - To be contacted by their Head Teacher (or nominated person) on a weekly basis
- Employees absent for longer than 20 working days - To be contacted by their Head Teacher (or nominated person) fortnightly until such time as it becomes clear the employee will be off for longer than 3 months, at which point contact should be on at least a regular monthly basis

Whilst these are suggested minimum standards, it is recognised that, depending on the circumstances, Head Teachers may reach agreement with individual members of staff as to the frequency of contact. In the absence of any such agreement, it is advised to follow the minimum standards.

If, when making contact with an employee, the employee tells a Head Teacher that they do not wish to be contacted, then the Head Teacher should contact HR Advisors for further guidance.