



The Wythenshawe Catholic Academy Trust

ATTENDANCE MANAGEMENT POLICY & PROCEDURE



St Paul's Catholic High School

St Elizabeth's Catholic Primary School

St Anthony's Catholic Primary School

SS John Fisher and Thomas More Catholic Primary School

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Schools within the Wythenshawe Catholic Academy Trust:

- St Paul's Catholic High School
- St Anthony's Catholic Primary School
- St John Fisher and St Thomas More Catholic Primary School
- St Elizabeth's Catholic Primary School

This policy will be published on the school's internal web site under the staff section.

Contents

| Paragraph | Page |
|---|------|
| 1. Introduction | 4 |
| 2. Scope | 4 |
| 3. Principles | 4 |
| 4. Roles and responsibilities | 5 |
| 5. Occupational Health Service Provider | 6 |
| 6. Conduct Issues | 6 |
| 7. Records Management | 7 |
| 8. Notifying Absences and Return to Work | 7 |
| 9. Dealing with Short Term Absences | 8 |
| 10. First Attendance Monitoring Review Meeting | 8 |
| 11. Improvement Notice | 9 |
| 12. Second Attendance Monitoring Review Meeting | 9 |
| 13. Attendance Management Warning | 10 |
| 14. Third Attendance Monitoring Review Meeting | 10 |
| 15. Final Attendance Management Warning | 11 |
| 16. Additional Meetings | 11 |
| 17. Attendance Management Hearing | 11 |
| 18. Dealing with Long Term Absences | 12 |
| 19. Attendance Management Hearing | 13 |
| 20. Return to Work | 14 |
| 21. Right of Appeal | 14 |
| 25. Sanctions and Warnings | 14 |
| 26. Right to Representation | 15 |
| 27. Redeployment | 15 |
| 28. Ill Health Retirement | 15 |
| 29. Dismissal | 15 |

1. Introduction

- i. The Wythenshawe Catholic Academy Trust (referred to hereafter as the Trust) is committed to supporting employee welfare and ensuring consistency of treatment and fairness to all in the operation of the Attendance Management Policy and Procedure. This commitment reflects our approach as Catholic Schools and our beliefs in the dignity of the individual.
- ii. The Trust values the contribution of all its employees to the effective running of the school and the delivery of teaching and learning to students. Most employees maintain a very good attendance record over a long period of time and the Trust wishes to recognise this and build upon existing good practice. However, whilst recognising that employees may be prevented from attending work through ill health, the schools have a duty to maintain provision of education to students and to minimise disruption in delivery of that education.
- iii. The Trust is committed to managing attendance and sickness absence and creating a culture within which all employees work to maximise attendance for the benefit of themselves, students, the community and other stakeholders.
- iv. This policy and procedure complies with education and employment legislation and nationally negotiated terms and conditions for both teachers and support staff. It also takes into account the provisions of the Equality Act 2010.

2. Scope of the Policy

- i. This policy applies to all employees who work at schools within the Trust. The schools in the Trust currently consist of St Paul's Catholic High School, St Anthony's Catholic Primary School, St John Fisher and St Thomas More Catholic Primary School and St Elizabeth's Catholic Primary School.
- ii. This policy does not apply to self-employed staff, contractors, external consultants, agency staff or governors.
- iii. This policy should be read in conjunction with the Trust's Maternity, Adoption and Shared Parental Leave Policy and Procedure, Leave of Absence Policy, Equality Policy and Health and Safety Policy.
- iv. Unless indicated otherwise, all references to "Governing Body" apply to school's Local Governing Body or Interim Management Board.

3. Principles

- i. The Trust is mindful of its obligations and duties under the Equality Act 2010 and will be mindful of the protected characteristics in the Equality Act (i.e. age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership) in the application of this policy and procedure.
- ii. The schools within the Trust will monitor levels of sickness absence for employees individually and departmentally. This will help identify any

concerns and instigate early support for both employees and departments in the event of sickness absence.

- iii. Medical advice may be sought from appropriate occupational health practitioners where schools deem it appropriate.
- iv. Schools will make reasonable adjustments to take account of any disability of an employee in accordance with the Equality Act 2010 and the related Disability Equality Duty and Code of Practice.
- v. Employee sickness absence will be dealt with in strictest confidentiality and in accordance with the requirements of 'The Data Protection Act' and the 'Access to Medical Records Act'.
- vi. This policy should not be used to place any employee under any pressure to return to work while unfit.

4. Roles and Responsibilities

- i. The Trust has delegated the overall management of employee attendance and welfare to the school's Local Governing Body or Interim Management Board. The responsibility for the day to day management of attendance has been delegated to the Headteacher.
- ii. **Employees are required to:** -
 - attend work and fulfil their contractual obligations;
 - comply with the school's sickness absence reporting procedure;
 - inform school as soon as possible of any changes in their condition that affects their ability to do their job or alters the timescales for their return to work;
 - be available during normal working hours to meet with the Headteacher or nominated person to discuss their absence;
 - share information with the school with regard to their absence;
 - attend medical referrals, appointments and meetings;
 - attend return to work interviews and attendance monitoring review meetings;
 - co-operate with all efforts to identify and implement reasonable adjustments;
 - participate in recommended treatment programmes such as cognitive behaviour therapy or physiotherapy where it has been indicated that such programmes may improve their health;
 - comply with safe working practices and procedures.
- iii. **Headteachers will be responsible for monitoring, managing and controlling absence by:** -
 - monitoring management information, identifying trends and patterns and taking appropriate action;
 - maintaining regular contact with employees;
 - exploring reasons for absence;

- conducting meaningful return to work interviews using the Return to Work Procedure and form (see Appendix 3&4)
- arranging attendance monitoring review meetings and hearings where appropriate;
- identifying and implementing reasonable adjustments to the work environment where appropriate;
- seeking medical advice from appropriate health practitioners where appropriate;
- providing employee attendance statistics to the Governing Body each term.

iv. **The Governing Body will be responsible for: -**

- monitoring and reviewing overall employee attendance statistics each term’;
- ensuring appropriate budget provision for supply staff and staff welfare;
- performing its statutory duties under the ‘Health and Safety at Work Act 1974 (as amended)’ and in particular the Management of Health and Safety at Work Regulations 1999 (as amended)’ ;
- managing any attendance issues relating to the Headteacher.

5. Occupational Health Service Provider

- i. The Occupational Health service provider for the Trust is Healthwork Ltd.
- ii. Healthwork Ltd will: -
 - advise the school with regard to conditions falling under the disability provisions of the Equality Act 2010;
 - assess the physical and mental fitness of the employee and advise the school on what work an employee can undertake within the parameters of their medical condition;
 - seek to obtain medical information from an employee’s GP and/or specialist and make onward referrals as appropriate such as counselling and physiotherapy;
 - advise the school how the ill health of an employee can best be managed to facilitate a speedy return to work;
 - advise, where possible, on the expected length of recovery periods and/or return to work dates;
 - advise school of any failure by the employee to attend any appointments;
 - provide sickness management reports;
 - recommend for consideration any school actions that are based on the medical circumstances of the employee.

6. Conduct Issues

- i. Failure to comply with the provisions of the Attendance Management Policy and Procedure will be subject to a separate investigation. Where it is believed that the policy may have been breached disciplinary

action (up to any including summary dismissal) may be taken under the Trust's Disciplinary and Dismissal Policy and Procedure. Examples are: -

- providing false information;
 - failing to comply with the reporting procedure;
 - failing to attend medical appointments;
 - failing to provide medical certificates when they are due.
- ii. Failure to comply with this policy may also lead to loss or suspension of pay where an investigation establishes that the requirements of the Attendance Management Policy and Procedure have not been followed nor has the employee taken reasonable steps to comply with the procedure.

7. Records Management

- i. Each period of absence will be formally recorded and information on an employee's absence will be reviewed by the Headteacher. Where appropriate this information will be discussed with the employee or provided to their line manager to assist them in promoting a high attendance culture.
- ii. The employee's absence records may be used as part of any review of absence or any other occasion where the school believes that the information is of material relevance to any decisions regarding the employee.
- iii. Absence records constitute confidential information and will be retained in accordance with the Managing Attendance Policy and Procedure and any other related statutory acts such as the Data Protection Act.

8. Notifying Absence and Return to Work

- i. In order to ensure the effective running of the school and the delivery of teaching and learning to students is maintained, employees must inform the school's nominated person of their inability to attend work and the reason for this on the first day of absence.
- ii. The employee must notify the school before they are due to commence work, and at an agreed time decided locally by each school within the Trust. A draft reporting procedure for consideration by each school is set out at Appendix 2.
- iii. Employees must report the absence in person by telephone. In most cases e-mails or text messages are not acceptable unless previously agreed that it is not possible to communicate by telephone. Absence should not be reported by anyone other than the employee unless there are exceptional circumstances.
- iv. In order to assist school to assess the likely duration of absence and arrange the necessary cover, employees must specify the length of time they expect to be absent. If this is not possible the employee must follow the reporting procedure on each day of absence.

- v. If the nominated person is not available then the employee must contact another senior person in school and leave a contact number.
- vi. If for some reason the nominated person is not available, the employee should expect a telephone call from the nominated person or other senior person at home later to establish a reason for the absence.
- vii. The first three days of absence can be notified by telephone. From the fourth day the employee “self certifies” their absence.
- viii. If the absence continues for more than seven days (including non-working days) then from the eighth day of absence a Medical Certificate (Fit Note) is required from the employee’s doctor and must be sent in to school no later than four days after the expiry of the previous self-certified period, or the expiry of a previous fit note.
- ix. In cases where an employee returns to work prior to the expiry of a Medical Certificate, then the employee must provide, before returning to work, a GP’s signing off note.
- x. Failure to follow the reporting procedure will be investigated and, where an employee has not taken reasonable steps to comply with the managing attendance procedure, this may lead to absence from work being considered as unauthorised, resulting in loss of pay and possibly disciplinary action.

9. Dealing with Short Term Absence

i. Triggers

The purpose of trigger points is to alert school to undertake a review of an employee’s record of absence and assess whether further action is necessary. This requires a full consideration of each employee’s circumstances and the nature of their absence.

- ii. Reasonable trigger points that will prompt a school to examine an employee’s absence record will be where, during the course of a school term an employee is absent: -
 - for five or more days in the last term;
 - on three or more occasions in the last term.

(these triggers will be pro rata for part-time staff)
- iii. In addition, the Headteacher or nominated person may decide to examine an employee’s absence record where there is a specific cause for concern. For example: -
 - recognisable patterns of absence e.g. on Fridays and/or Mondays, before or after bank holidays or school closure periods;
 - an increase in absence following the expiry of an Improvement Notice or an Attendance Management Warning.
- iv. Modification of these trigger points may be considered when reviewing an employee’s individual personal circumstances.

10. First Attendance Management Review (AMR) Meeting

- i. If trigger points are reached or specific concerns arise (see paragraph 9.1, 9.2, 9.3, 9.4), an Attendance Monitoring Review (AMR) meeting will be held as soon as possible to: -
 - review previous attendance record and determine whether any further action is required;
 - explain the impact of absence on service delivery and emphasise the importance of good attendance;
 - explore the reasons for absence;
 - seek to identify any underlying cause;
 - discuss and agree any support mechanisms needed;
 - consider any reasonable adjustments (see Appendix 1).
- ii. Possible outcomes of an AMR are: -
 - an appropriate review or monitoring period is established;
 - improvement is identified and an Improvement Notice is issued where considered appropriate (see para. 2.3 below)
 - support mechanisms are established;
 - reasonable adjustments are agreed;
 - a referral to Healthworks Ltd is made in order to:-
 - assess the current medical position;
 - establish whether there is any underlying medical reason;
 - establish whether the reason for the absence(s) falls within the disability provisions of the Equality Act 2010;
 - take no further action (only in exceptional cases should no action be taken).
- iii. The Headteacher or nominated person will write to the employee within ten working days of the meeting, confirming the points discussed at the AMR and any actions identified.
- iv. If the employee fails to meet the required attendance target then the next stage of the procedure will be implemented immediately.
- v. If the employee's attendance improves to the required standard for the review/monitoring period, the employee will be removed from the procedure. It is however, expected that the improvement will be sustained and if it is not then the procedure will recommence at the stage it stopped.

11. Improvement Notice

- i. Where it is considered appropriate to issue an Improvement Notice, the Notice will contain a caution that if the improvement identified at the AMR meeting is not achieved, then a further AMR meeting may need to be held
- ii. If targets are met they must be sustained for a minimum of twelve months. Failure to do so will recommence the procedure at the stage it had reached.

12. Second Attendance Monitoring Review (AMR) Meeting

- i. A second AMR meeting will be held: -

- if triggers set in the improvement notice are hit;
 - if insufficient improvement is achieved during the review period established at the first AMR meeting;
 - a recurring or recognisable pattern of absence emerges for example;
 - to discuss and agree any support mechanisms needed;
 - to consider any reasonable adjustments (see Appendix 1).
- ii. The purpose of this meeting is to: -
- explain the impact of absence on the service delivery and emphasise the importance of good attendance;
 - review the overall level of absence;
 - seek to identify any underlying cause;
 - review issues discussed at the first AMR meeting;
 - review any medical advice provided from whatever source;
 - review the support or reasonable adjustments which have been previously provided;
 - identify any improvement which may be needed;
 - warn the employee of the possible consequences if the improvement required is not reached.
- iii. Possible outcomes: -
- a further review or monitoring period is established;
 - improvement required is identified and an Improvement Notice is issued if it has not been previously issued;
 - an Attendance Management Warning is issued;
 - a referral to Healthwork Ltd will be made to reassess the medical position;
 - no further action is taken (only in exceptional cases should no action be taken).
- iv. The school will write to the employee within ten working days of the meeting, confirming the points discussed and any actions identified.

13. Attendance Management Warning

- i. Should an attendance management warning be issued, the employee will be informed of their right to appeal.
- ii. The employee will also be cautioned that if the required improvement which has been identified is not achieved, then a further AMR may need to be held.
- iii. Once targets are met they must be sustained for a minimum of twelve months. Failure to do so will recommence the procedure at the stage it had reached.

14. Third Attendance Monitoring Review (AMR) Meeting

- i. A third AMR meeting will be held if: -
 - triggers set in the improvement notice are hit;
 - insufficient improvement is achieved during the review period established at the second AMR meeting;

- a recurring or recognisable pattern of absence emerges.
- ii. The purpose of this meeting is to: -
 - explain the impact of absence on the service delivery and emphasise the importance of good attendance;
 - review issues discussed at previous AMR meetings;
 - review the overall level of absence;
 - review any medical advice provided from whatever source;
 - review the support or reasonable adjustments which may have been previously provided;
 - identify any improvement which may be needed;
 - warn the employee of the possible consequences if the improvement required is not reached.
 - iii. Possible outcomes: -
 - improvement required is identified and a Final Attendance Management Warning is issued where considered appropriate;
 - a further review or monitoring period is established;
 - a referral to Healthwork Ltd will be made to reassess the medical position;
 - iv. The school will write to the employee within ten working days of the meeting, confirming the points discussed and any actions identified.

15. Final Attendance Management Warning

- i. Should a Final Attendance Management Warning be issued, the employee will be informed of the right to appeal.
- ii. The employee will also be cautioned that if the required improvement which has been identified is not achieved then an Attendance Management Hearing may be held which may result in a decision to dismiss the employee on notice.
- iii. Once targets are met they must be sustained for a minimum of twelve months. Failure to do so will recommence the procedure at the stage it had reached.

16. Additional Meetings

- i. Additional meetings or discussions, which will be documented, can be held at any stage, outside of the formal AMR meetings to discuss support mechanisms.

17. Attendance Monitoring Hearing

- i. The employee and his/her representative will, no later than ten working days before the Attendance Management Hearing, be informed in writing of the date, time and venue of the hearing. The letter will set out the detailed reasons for the hearing and copies of any documentation it is intending to rely on will be circulated with the written notification of the hearing. Additionally the written notification should caution the employee that the hearing could result in a decision to dismiss.

- ii. The Attendance Management Hearing is commonly known as a Regulation 6 hearing. This Regulation is a part of “The Education (Health Standards) (England) Regulations 2009”.
- iii. The school’s case will be presented by the nominated person and the Trust’s Strategic Resource Officer to the Hearing Officer or Hearing Panel together with all documents relevant to the employee’s health and attendance. Any representation made by the employee or the employee’s representative, or any written submission made in the employee’s absence will be given due consideration before any decision is taken.
- iv. The Hearing Officer or Hearing Panel will consider:-
 - the employee’s overall attendance record;
 - the impact of the level of absences on the school;
 - representations from the employee;
 - whether the reason for the absence(s) falls within the disability provisions of the Equality Act 2010;
 - the management of the case;
 - the medical advice received;
 - the support/reasonable adjustments considered and/or provided;
 - any further action that can be taken;
 - options for redeployment within the school on medical grounds;
 - whether ill health retirement has been considered.
- v. Possible Outcomes of an Attendance Management Hearing: -
 - further medical evidence sought;
 - consideration of further reasonable adjustments;
 - consideration of alternative employment;
 - further Attendance Management Warning issued with further review period established;
 - dismissal with notice in accordance with the relevant school procedure adopted by the Governing Body.
- vi. The school will write to the employee within 10 working days of the meeting, confirming the points discussed and actions identified and, if a further Attendance Management Warning or dismissal is the outcome, informing him/her of the right to appeal.

18. Dealing with Long Term Absence

- i. Absences of more than ten consecutive working days are considered long term in the majority of cases but this figure can be adjusted depending upon the circumstances.
- ii. When an employee is absent from school due to sickness it is important that regular contact is maintained so that the employee does not feel isolated, vulnerable or out of touch. The school will use the contact to update the employee on issues currently live within school and also to identify the need to reallocate work or resources so that teaching and learning and other support to students is maintained.

- iii. Where possible and appropriate an AMR meeting will be held with the employee after the first four weeks' absence, and then every four weeks in order to discuss the employee's absence, including the issues identified below:-
 - explore the reasons for absence and identify any progress and any appropriate support;
 - seek to identify any underlying cause or whether the Disability section of the Equality Act applies;
 - ask about treatment and/or specialist help being received;
 - establish if a date for a return to work can be given;
 - establish review periods;
 - consider seeking an opinion from Healthwork Ltd;
 - explaining the purpose to the employee;
 - bearing in mind any disability issues and/or any medical advice received consider:-
 - any reasonable adjustments;
 - any other support mechanisms;
 - redeployment within school on medical grounds;
 - ill health retirement;
 - structured or phased return to work;
 - explain the consequences of continued absence.
- iv. Where an employee cannot or does not attend an AMR meeting at school, careful consideration should be given to meeting the employee in their home, or at another agreed location, or, if this is not possible, conducting a review by correspondence, telephone and/or holding a review in their absence.
- v. The points discussed and actions identified at the AMR meetings will be confirmed in writing to the employee within ten days of the meetings.

19. Attendance Management Hearing

- i. Unlike when dealing with short term absences the medical information relating to a long term absence is usually much more comprehensive.
- ii. Where all options have been considered and ill health retirement has not been recommended, an Attendance Management Hearing will be held.
- iii. The employee and their chosen companion will, no later than ten working days before the hearing, be informed in writing of the date, time and venue of the hearing. The letter will set out the detailed reasons for the hearing and copies of any documentation it is intended to rely on will be circulated with the written notification of the hearing. Additionally the written notification should caution the employee that the hearing might result in a decision to dismiss on notice.
- iv. The school's case will be presented by the nominated person and the Trust's Strategic Resource Officer to the Hearing Officer or Hearing Panel together with all documents relevant to the employee's health and attendance. Any representation made by the employee or the

employee's companion, or any written submission made in the employee's absence will be given due consideration before any decision is taken.

- v. The Attendance Management Hearing will be heard by the Hearing Officer or Hearing Panel who will review the case and consider:-
 - the overall absence record;
 - the impact of the absence on the service;
 - the medical advice received, including whether the reason for the absence(s) falls within the provisions of the Disability Discrimination Act;
 - the support/reasonable adjustments provided and determine whether these were sufficient;
 - the management of the case;
 - any further action that can be taken;
 - options for redeployment on medical grounds;
 - whether ill health retirement has been considered;
 - establishment of a possible further review period;
 - representations from the employee;
 - options for redeployment;
 - dismissal.
- vi. The school will write to the employee within ten working days of the meeting, confirming the points discussed and actions identified and any decisions taken. If dismissal is the outcome they will be informed of the right to appeal.

20. Return to Work

- i. Upon return to work, irrespective of the length of absence, the Headteacher or nominated person must arrange to meet privately with the employee within two days of the return to work and carry out a Return to Work Interview.

21. Right of Appeal

- i. An employee issued with an Attendance Management Warning will have the right to appeal to a nominated person, including, if the Headteacher has taken the decision, a nominated Governor.
- ii. In cases of dismissal with notice, the employee will have the right to appeal to a Committee of Governors (dependent upon the procedures adopted by the Governing Body). There is no further right of appeal after this stage has been completed.
- iii. In order for an appeal to be considered the employee must submit in writing the grounds on which they base their appeal within the agreed time limit. The grounds must be sufficient to justify the arranging of the appeal.
- iv. At the appeal hearing the employee and/or their companion will present their case, based on the grounds submitted and with any new evidence, first and the school will respond.

22. Sanctions and Warnings

- i. An Improvement Notice or an Attendance Management Warning issued under the Managing Attendance Policy will remain live for twelve months and run parallel to any live (current) disciplinary warnings on the employee's record. They will not be used for 'totting up' purposes should any disciplinary sanction or warning be imposed under the Trust's Disciplinary and Dismissal Policy and Procedure.

23. Right to Representation

- i. Employees may be represented, if they so wish by a trade union representative, friend or colleague at Attendance Monitoring Review meetings and Attendance Management Hearings. Employees must inform the school who their chosen companion is and in what capacity their companion will be attending.
- ii. If the representative cannot attend on a proposed date for a meeting, an alternative representative should be nominated or the meeting re-arranged to a time and date which is no more than five working days after the proposed date.
- iii. It is the responsibility of individual employees to arrange representation and if this cannot be arranged within the timescales set out above, and there are no accepted extraordinary or mitigating circumstances, then the school should proceed with the scheduled meeting.

24. Redeployment

- i. Where Healthwork Ltd recommends redeployment on medical grounds the Headteacher or nominated person must consider whether suitable alternative employment is available within the existing staffing structure of the school.
- ii. There is no procedure for redeploying staff across schools within the Trust. However, where medical redeployment is recommended, the Trust's Strategic Resource Officer will explore if there are any suitable alternative vacant roles across the schools within the Trust.

25. Ill Health Retirement

- i. Retirement on the grounds of ill health is normally only considered after all other options have been exhausted and where an Independent Registered Medical Practitioner (IRMP), qualified in occupational health medicine, determines that an employee meets the criteria for ill health retirement, in accordance with the appropriate Pension Scheme Regulations.
- ii. As identified above, different rules and procedures apply for Teachers and support staff. The Trust's Strategic Resource Officer will provide schools with appropriate advice and guidance.
- iii. An application for Ill Health Retirement will not prevent the managing attendance procedure from being completed.

26. Dismissal

- i. Where all appropriate options have been explored, including all options under the provisions of the Equality Act, the dismissal of an employee is one which will need to be considered. Any proposal to dismiss will be considered under the auspices of the Education (Health Standards) (England) Regulations 2009, sections 6 and 7. To dismiss fairly the school has to show: -
 - the reason (or the principal reason) for dismissal; and
 - that, in the circumstances, the school acted reasonably in treating it as a sufficient reason for dismissal.
- ii. Where the decision to dismiss is made, the dismissal will be with appropriate contractual notice.