



# ATTENDANCE MANAGEMENT POLICY AND PROCEDURE

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## SHARE MAT STAFF ATTENDANCE MANAGEMENT POLICY & PROCEDURE

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# SHARE MAT STAFF ATTENDANCE MANAGEMENT POLICY & PROCEDURE

## 1. Policy statement

- 1.1 The trust is committed to helping its employees maintain the highest standards of health, wellbeing and attendance. It values the contribution employees make to the success of its pupils and colleagues. This policy explains what we expect from managers and employees when helping colleagues to maintain high levels of attendance and manage absence if required.
- 1.2 The trust recognises that keeping employees at work and helping them return to work following absence can make a positive contribution towards an employee's health and wellbeing. The trust has a duty of care to its staff and a responsibility to maintain educational provision, minimising disruption to students and other employees.
- 1.3 The trust respects the confidentiality of all information relating to an employee's sickness. This policy will be implemented in accordance with all data protection legislation.
- 1.4 In line with the Equality Act 2010, SHARE MAT commits to making all reasonable accommodations to support employees with disabilities in maintaining their employment.
- 1.5 This policy is not contractual, and the trust may depart from its terms where exceptional circumstances dictate. In particular, the trust may depart from the terms of this policy if the employee is within their first two years of employment.
- 1.6 All decisions and actions for attendance management are based on contractual evidence to ensure employees are able to fulfil their duties and/or return to work in a reasonable period of time.

## 2. Scope

- 2.1 This document applies to all staff, including those on fixed term contracts. The purpose is to encourage employees to maintain good standards of attendance and to support consistent and fair treatment of all employees.
- 2.2 The trust will support employees who have genuine grounds for absence including leave for absences not caused by sickness (see Leave of Absence Policy & Procedure). It will use the services of an occupational health advisor where appropriate and, where beneficial, will facilitate access to counsellors and rehabilitation programmes in cases of long-term sickness absence.
- 2.3 Meetings will normally be held within employees' contracted hours, which may overlap with teaching time.

## 3. Legal and statutory framework

- 3.1 The SHARE MAT Attendance Management Policy & Procedure aligns with the current legislation, including the Equality Act 2010, the Employment Rights Act 1996 and data protection legislation.

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- 3.2 In accordance with the Equality Act 2010, the trust will:
- not discriminate against staff with protected characteristics (including disability, age, sex, race, religion, pregnancy/maternity, etc.)
  - make reasonable adjustments for disabled staff.
- 3.3 In accordance with the Employment Rights Act 1996, the trust will comply with legislation on statutory sick pay entitlements
- Protection from unfair dismissal
  - The right not to be dismissed for reasons related to pregnancy or maternity.
- 3.4 The trust will comply with data protection legislation, including its responsibilities for:
- recording and storing attendance and sickness absence data
  - sharing information about staff absence
  - processing sensitive health information.

### 4. Roles and responsibilities

#### 4.1 The employer's responsibilities are:

- to inform all employees of attendance management procedures, including the conditions of the sick pay scheme
- to record all sickness absence upon notification
- to meet with employees on their return to work, regardless of the duration of the absence
- to monitor and review sickness absence across the trust
- to maintain reasonable contact with employees during a period of absence
- to manage staff absence in line with this policy.

#### 4.2 The employee's responsibilities are:

- to look after their own health, as far as reasonably possible, to help reduce the risk of sickness absence
- to follow the sickness absence reporting procedures (failure to comply may result in suspension of pay)
- to ensure appropriate documentation is submitted as necessary (failure to comply may result in suspension of pay)
- to inform their manager if the absence is either disability related or due to an accident at work
- to inform their manager if there are any relevant work issues that need to be addressed
- to co-operate with referrals to occupational health and any other actions required to support a return to work.

#### 4.3 Attendance management procedure – Scheme of Delegation

Trust board	<ul style="list-style-type: none"><li>• To review and approve the Attendance Management Policy &amp; Procedure in line with the review schedule.</li><li>• To manage the attendance of the CEO if the policy needs to be applied.</li><li>• May have to be involved/lead appeal hearings.</li></ul>
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CEO	<ul style="list-style-type: none"> <li>• To manage the attendance of the executive leaders, if the policy needs to be applied.</li> <li>• May have to be involved/lead appeal hearings.</li> </ul>
Executive leaders	<ul style="list-style-type: none"> <li>• To manage the attendance of the headteachers and central leaders if the policy needs to be applied.</li> <li>• May have to be involved/lead appeal hearings.</li> <li>• May be required to lead a medical capability hearing.</li> </ul>
Central HR team	<ul style="list-style-type: none"> <li>• To proactively support managing attendance within the trust and promote the well-being of all staff.</li> <li>• To oversee the mental health and well-being programme across the trust.</li> <li>• To facilitate occupational health referrals and advice to senior leaders.</li> <li>• To ensure appropriate notice is given to employees for formal meetings and to allow representation at these meetings.</li> <li>• To oversee, co-ordinate and manage the long-term absence of all employees.</li> <li>• Attend and lead stage 3 absence meeting and/or hearings with employees.</li> <li>• May have to attend appeal hearings.</li> </ul>
Headteachers (senior managers)	<ul style="list-style-type: none"> <li>• To oversee the long-term absence of all employees within their academy.</li> <li>• To ensure on-going reasonable contact with the employee is maintained and records kept of the content of discussions and/or meetings.</li> <li>• To obtain occupational health advice where appropriate.</li> <li>• May have to present a management case at appeal hearings, if the outcome was previously delivered by them.</li> <li>• May have to attend and lead stage 3 absence hearings with employees.</li> <li>• May be required to lead a medical capability hearing.</li> </ul>
Nominated absence lead (NAL)	<ul style="list-style-type: none"> <li>• To manage employee short term absence meetings (Absence meeting 1 and 2)</li> <li>• Support line managers in managing absence by ensuring all return to work (RTW) interviews are completed in a timely manner.</li> <li>• To complete welfare calls for employees on long term absence.</li> </ul>
Line managers	<ul style="list-style-type: none"> <li>• In conjunction with the nominated absence lead, manage the employee's absence and maintain reasonable contact.</li> <li>• To conduct return to work interviews with employees.</li> </ul>
Administration managers	<ul style="list-style-type: none"> <li>• To ensure all sickness absence is monitored effectively by overseeing the reporting and recording of the information.</li> <li>• To support NAL with any written confirmation of meetings and support.</li> </ul>

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### 5. Special considerations

- 5.1 Where an employee is regarded as disabled under the Equality Act 2010, an employer must demonstrate that they have considered and, where reasonable, implemented adjustments to support a disabled person in the workplace.
- 5.2 Reasonable adjustments could include: providing training or mentoring; making alterations to premises; modifying or acquiring equipment or ensuring that information is provided in accessible formats.
- 5.3 Any absence from work resulting from a work-related incident (including violence, musculoskeletal problem or stress) must be reported to the central HR team.
- 5.4 It is a statutory requirement that the trust should make a report to the Health & Safety Executive in accordance with the Reporting of Injuries, Disease and Dangerous Occurrences Regulations 2013 (RIDDOR) in the following circumstances:
  - major injury as defined in the RIDDOR guidance
  - absence over seven days through workplace accidents
  - notifiable communicable disease.
- 5.5 An employee may not be represented in a meeting by a person who has a conflict of interest.

### 6. How to report sickness absence

- 6.1 The purpose of having a clear reporting process is to help leaders make appropriate arrangements to minimise the impact of sickness absence. This may involve arranging for supply cover or longer-term arrangements in the event that an employee is absent for a longer period of time.
- 6.2 Prompt notification of sickness absence is essential. Therefore, the trust has set the following absence reporting procedure, which must be followed in the event of sickness absence. It should be noted that persistent failure to comply with the trust's notification arrangements (or giving misleading or false statements) may result in possible loss of pay and/or disciplinary action. Where sickness absence is likely to be protracted and in excess of four weeks, the manager and the employee should maintain contact at agreed intervals.
- 6.3 On the first day of sickness absence a school-based employee must telephone call the school Admin Manager no later than 07:00 am (see school contact numbers below). School based employees should also contact their line manager out of courtesy. Central based employees should contact their line manager and email [share.hr@sharemat.co.uk](mailto:share.hr@sharemat.co.uk). If the sickness absence occurs during the school holidays and the members of staff named above are not contracted to work, the employee should email [share.hr@sharemat.co.uk](mailto:share.hr@sharemat.co.uk). The employee must always give the reason for their absence and the likely duration of their absence if known.
- 6.4 Unless and until the employee is certified by a doctor's fit note, the employee must follow the procedure in section 6.3 for each day of absence unless instructed

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otherwise. The employee has an ongoing duty to maintain contact with the trust for the duration of their absence.

	Contact number
Woodside Green, A SHARE Primary Academy	01484 508170
Heaton Avenue, A SHARE Primary Academy	01274 028613
Luck Lane, A SHARE Primary Academy	01484 505229
Millbridge, A SHARE Primary Academy	01924 668836
Royds Hall, A SHARE Academy	01484 463366
Shelley College, A SHARE Academy	01484 868777
Thornhill Community Academy, A SHARE Academy	01924 324890
Whitcliffe Mount, A SHARE Academy	01274 851152
Todmorden High, A SHARE Academy	01706 813558
Share MAT central services	01484 955007

- 6.5 The employee must also advise the administration manager and nominated absence lead of any work-related matters which may be impacted by their absence in order for alternative arrangements to be put in place. Teachers must, if at all possible, provide details of work to be done by their classes. In exceptional circumstances work will be set by their line manager.
- 6.6 For sickness absence lasting between four days and seven days, employees must, within one working day of their return to work, submit a completed self-certification form via the HR platform.
- 6.7 For sickness absence extending beyond seven days (including Saturday and Sunday) employees must obtain and submit by day eight the Statement of Fitness for Work (fit note) from their healthcare professional. The employee's continuing period of sickness absence must be covered by submitting further medical certificates which should follow immediately on the expiry of the previously submitted fit note (and sent to the Admin Manager to arrive no later than the next working day following expiry of the previous fit note).
- 6.8 If the fit note does not cover the first seven days of absence the employee may additionally be required to submit a self-certificate to cover this period.
- 6.9 A fit note will normally state categorically that an employee is 'not fit for work' (for a defined period of time). In some cases, a conditional fit note may be issued by the healthcare professional, indicating that the employee 'may be fit for work' dependent on certain conditions being met (such as, for instance, 'no heavy lifting' or 'sedentary work only' etc.).

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- 6.10 If the employee's healthcare professional advises on the fit note that the employee 'may be fit for work' the nominated absence lead will arrange for a meeting to take place with the employee to discuss appropriate ways of supporting them back into work. This may be by means of a phased return, altered hours, workplace adaptations or amended duties.
- 6.11 If it is not possible to satisfy the conditions for a return to work, or if the employee feels unable to return on the basis of those adjustments that can be agreed as reasonable, then the fit note will be used in the same way as if the healthcare professional had advised that the employee was 'not fit for work'.

### **7. Sick Pay**

- 7.1 Sick pay is based on length of service. For teachers this is aggregated teaching service within any local education authority and any academy and for all other staff it is continuous service within any public authority to which the Redundancy Payments Modification Order 1985 applies.
- 7.2 If the trust is concerned that the reason(s) given for the employee's absences are not genuine, and there is evidence to substantiate this, the trust may commence action under the trust's disciplinary procedures. In this case the trust will be considering the employee's conduct, and the process will be managed under that procedure.
- 7.3 The trust reserves the right to withhold sick pay in circumstances which are described in the relevant paragraphs of the conditions of service for teachers and support staff. Additionally, if the employee is found to be carrying out some other work, within their contracted hours at the trust, sick pay could be withheld.
- 7.4 Employees who are absent from work on sickness absence must not participate in any other form of work (paid or unpaid) during or outside of their normal working hours without the prior written authorisation of the trust. It is the responsibility of the employee to notify the trust if undertaking therapeutic work whilst off sick and to avoid misunderstandings it is advised that the employee should consult with the trust and occupational health as to the advisability of such activity.

### **8. Statutory sick pay ("SSP")**

- 8.1 Statutory sick pay (SSP) will be paid according to the government guidelines.

### **9. Surgery not for medical reasons**

- 9.1 Time off for surgery that is not required for medical reasons, such as cosmetic surgery or voluntary gastric surgery, for example, will ordinarily not be paid by the trust.
- 9.2 Any leave granted, whether paid or unpaid, will be subject to the availability of staff to cover the employee's period of absence. Requests for absence for voluntary procedures should be made in accordance with the trust's Leave of Absence Policy

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& Procedure and will not be managed under the Attendance Management Policy & Procedure.

### 10. Returning to work

10.1 Where a doctor advises the employee that they are 'not fit for work', the doctor will state the period (or dates) that this will be the case and whether they will need to assess the employee again. If the doctor has not stated that they need to assess the employee again, it will ordinarily be assumed that the employee will return to work on expiry of the fit note. There may be occasions where it is advisable to ask the employee to seek further advice from their doctor or from an occupational health advisor before returning to work. However, there is no requirement for an employee to be 'signed off' or provided with a 'fit note' by their doctor, in order to return to work. This includes employees returning to work before the end date of their sick note, this is personal choice and any risks/concerns around this will be discussed with the employee and documented as part of the return-to-work meeting. The employee will be required to attend such an additional appointment as reasonably instructed by the trust.

10.2 During such additional assessment periods (unless the employee refuses to attend such an appointment), the employee will remain entitled to sick pay in accordance with the SSP or the employee's terms and conditions of service.

10.3 The fit note may offer a further option - 'may be fit for work taking account of the following advice'.

10.4 A doctor may be able to suggest ways of helping an employee get back to work. This might mean discussing:

- a phased return to work
- flexible working
- amended duties
- workplace adaptations.

10.5 It is important that employees contact the admin manager and the nominated absence lead as soon as possible on receipt of such advice and in any event significantly prior to their return to work to discuss any adjustments suggested by their GP. Employees should inform the trust of their proposed return to work date as soon as possible.

10.6 The trust will review any suggestions made by a doctor of steps that may assist an employee to return, such as a phased return, reasonable adjustments or temporary work in another area of the school if available. However various factors may prevent the trust from acting on such advice including (but not limited to) maintaining education standards, the impact on pupils or other staff, practicability, disruption to school life and cost.

10.7 On their return to work, the employee must contact the Admin Manager and the Nominated Absence Leader and confirm in writing any relevant risk assessment. If the employee is fit to resume work during the school holidays and there are no members of staff in the trust, they should contact [share.hr@sharemat.co.uk](mailto:share.hr@sharemat.co.uk).

## **11. Return to work interview**

- 11.1 Following a period of sickness absence, the employee will be required to attend a return-to-work interview. Ideally this should be done on the employee's first day back to work. If this is not possible it should be held within three days of their return to work, depending on the circumstances of their absence, and if adjustments need to be discussed before they can start work.
- 11.2 The meeting will normally be held by the employee's line manager. The purpose of the interview is to welcome the employee back to work, inform them of any changes during their absence and to seek reassurance that the employee is completely fit for work or if extra support is necessary. It may be that a referral to occupational health for investigation of the employee's health problems is necessary to gain advice on medium and long term fitness for work and if there is an underlying condition requiring reasonable adjustments to be carried out.
- 11.3 In a return-to-work interview, employees should be made aware when they are near to reaching the trigger points and that reaching these could result in the relevant absence meeting. Employees should be offered support to prevent this. A record of the interview should be made using the return-to-work interview form on the HR platform.
- 11.4 It is the intention that the trust will manage absence in a pro-active manner through the effective completion of return-to-work interviews.

## **12. Role of occupational health**

- 12.1 The remit of occupational health covers both the impact of work upon an individual's state of health and the impact of the state of an individual's health upon their performance at work.
- 12.2 Occupational health practitioners have a duty to give independent, informed professional guidance and advice on work and health matters.
- 12.3 Occupational health can assist in:
- establishing the exact nature of an employee's illness
  - estimating the likely duration of the illness/absence
  - assessing the impact of an employee's state of health on their ability to complete their duties
  - advising on measures to be put in place to support the employee to return to work (possibilities include redeployment where feasible or reasonable adjustments to their role in terms of specific duties or hours worked etc.).
- 12.4 Occupational health professionals can also give an indication whether any adjustments may be facilitated to enable the trust to meet its obligations to employees with a disability as defined by the Equality Act 2010.
- 12.5 Additionally, the occupational health practitioner can provide an assessment as to the fitness of the employee to attend a meeting or hearing whilst they are absent from work due to illness or injury.

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- 12.6 A referral to occupational health may also be required to enable an employee to obtain ill-health retirement by virtue of receiving (if they meet the criteria), a 'certificate of permanent incapacity' from an approved occupational health doctor. This documentation is then used in the employee's application to either Teachers' Pensions or West Yorkshire Pension Fund (local government pension scheme), who will consider the request.
- 12.7 Information provided on the occupational health referral form must be comprehensive and the questions asked must be relevant and clear to facilitate the production of a meaningful report which will be of value to the employer. Any re-referrals to occupational health must update the occupational health practitioner of progress to date and any action taken in the interim period.
- 12.8 With the exception of ill health retirements, occupational health reports serve to provide guidance to leaders so that employees are supported and absence is effectively managed.

### **13. Welfare check ins**

- 13.1 Welfare checks may be arranged during and/or after periods of sickness absence, at the discretion of the trust/school.
- 13.2 Welfare check-ins may be completed if an employee is on long-term sickness absence.

### **14. Short term management action (including use of trigger points)**

- 14.1 Short term absence will be managed by the employee's nominated absence lead.
- 14.2 Trigger points are quantifiable measures of sickness absence which act as markers for initiation of appropriate management action once they have been reached or exceeded. Different trigger points may be used for long-term and short-term sickness absence.

### **15. How attendance will be reviewed (trigger points)**

- 15.1 In order to manage attendance effectively it is important that sickness absence is consistently reviewed. The trust has set pre-determined review points which can alert managers if an employee's attendance has reached a point where there may be cause for concern. The following review points are in place to monitor employee attendance:
- 3 or more occurrences of sickness absence in any 6-month period
  - 7 or more days' sickness absence in any 12-month period
  - Any recurring, recognisable pattern such as a frequent absence on a Friday/Monday or around public holidays etc.
- 15.2 Hitting a trigger point is highly likely to lead to the nominated absence leader arranging an attendance management meeting which may, in turn, lead to a referral to occupational health. Earlier referral may be considered for absences due to stress, workplace accidents or musculoskeletal problems.

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15.3 The nominated absence leader and admin manager will endeavour to alert employees who are at risk of reaching a trigger point.

15.4 Headteachers will endeavour to alert employees when their overall attendance (including a high level of leave of absence) is having an impact upon the academy regardless of whether a formal trigger has been reached.

15.5 Absences that will be discounted from the trigger points include those that:

- are a result of an accident at work (unless the accident was caused by employee's negligence)
- are linked to a pregnancy-related condition (as this could be construed as indirect sex discrimination).

Stage	Meeting 1	Meeting 2	Meeting 3
Short term absences	Met a short-term trigger point  Led by NAL	Failed to meet the targets set in stage 1 or hit the triggers again within 12 month period  Led by NAL	Failed to meet the targets set in stage 2 or hit the triggers again within the 12 month period, potential case for dismissal  Led by Director of People & Improvement/ Headteacher
Stage	Meeting 1	Meeting 2, as required	Medical capability hearing
Long term absences	At the 4 week absence point  Led by central HR	Case by case but usually within a 6 week period  Led by central HR	Return to work within an acceptable timescale is no longer realistically likely, all other support has been offered  Organised by Director of People & Improvement

### Short term attendance management meetings

#### 16. First formal meeting (stage 1)

16.1 If an employee's sickness absence levels have not improved despite being addressed in their return-to-work meetings, and the employee has reached the trigger points, the nominated absence lead may invite the employee to a stage 1

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absence meeting to support employees to improve their attendance. This meeting is a supportive meeting with an aim to ensure better attendance.

16.2 The admin manager will provide at least 5 working days' notice of the stage 1 absence meeting in writing. They should inform the employee of the time, date and place of the meeting, the reason for the meeting, issue any evidence to be discussed at the meeting and state that they have the right to be accompanied by a trade union representative or work colleague not involved in the case.

16.3 The nominated absence lead should prepare for the meeting by ensuring that they have identified the employee's sickness absence levels and the support that has been provided via the return-to-work meetings. Any medical evidence or documentation that the employee wishes the nominated absence lead to consider should be submitted prior to the meeting.

16.4 In the stage 1 absence meeting the nominated absence lead shall ordinarily:-

- Explain the concern about the absence level and reasons for that concern, such as operational difficulties caused.
- Listen to reasons and any mitigating circumstance that need to be considered, and respond appropriately.
- Consider whether to refer the case to occupational health if they have not already done so.
- State that sustained improvement in attendance is expected and set an appropriate monitoring period and targets for improvement. For example, no more than one further occasion of absence totalling no more than two days in the next eight weeks.
- Identify any support required including any reasonable adjustments for a specified period of time (as discussed with the central HR team).
- Explain that failure to meet the stage 1 support targets may result in an escalation to a stage 2 warning and in turn could lead to their employment being put at risk.

16.5 Potential outcomes of the meeting:

- Give the employee a stage 1 warning, to remain on file for 12 months, and explain that continued failure to improve attendance to the specified level may lead to a stage 2 absence meeting which could lead to their employment being put at risk.
- A period of informal monitoring.
- No further action is required at this stage.

16.6 In any event the nominated absence lead should fully record the details of the meeting and send written confirmation to the employee confirming the details of this meeting within 5 working days using the form link here - [Short Term Attendance Management Review Meeting – Fill in form](#)

## 17. Second formal meeting (stage 2)

17.1 If the employee's attendance drops below the required level within the set formal monitoring period the nominated absence lead will ask the employee to attend a stage 2 absence meeting.

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17.2 The admin manager will provide at least 5 working days' notice of the stage 2 absence meeting in writing. They should inform the employee of the time, date and place of the meeting, the reason for the meeting, issue any evidence to be discussed at the meeting and state that they have the right to be accompanied by a trade union representative or work colleague not involved in the case.

17.3 In the stage 2 absence meeting the nominated absence lead shall ordinarily:-

- Explain the concern about the absence level and reasons for that concern including any previous targets that have been set. Confirm any operational difficulties the absence has caused.
- Listen to reasons and respond appropriately. Consider whether to refer the case to occupational health if they have not already done so.
- State that sustained improvement in attendance is expected and set an appropriate monitoring period and targets for improvement.
- Identify any support required including any reasonable adjustments for a specified period of time (as discussed with the central HR team).
- Explain that failure to meet the stage 2 support targets may result in an escalation to a stage 3 warning and in turn could lead to their employment being put at risk and a medical capability hearing.

17.4 Potential Outcomes:

- Give the employee a stage 2 warning, to remain on file for 12 months and explain that continued failure to improve attendance to the specified level will lead to a stage 3 absence meeting which could result in dismissal.
- An extended period of stage 1 monitoring.
- No further action is required at this stage.

17.5 In any event the nominated absence leader should fully record the details of the meeting and send written confirmation to the employee confirming the details of this meeting within 5 days after the meeting has taken place using the form link here - [Short Term Attendance Management Review Meeting – Fill in form](#)

17.6 If at any stage an employee has reached a level of improvement acceptable to the trust, monitoring should revert to informal arrangements.

### **18. Third formal meeting (stage 3)**

18.1 If the employee's attendance drops below the required level within the set monitoring period the central HR team will ask the employee to attend a stage 3 absence meeting.

18.2 The central HR team will provide at least 5 working days' notice of the stage 3 absence meeting in writing to include:

- the purpose of the meeting
- details of the employee's attendance
- the stage reached in the procedure
- when and where the meeting will be conducted
- the right to be accompanied by a trade union representative or work colleague not involved in the case

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- the requirement for the employee to provide, in at least 2 working days before the meeting, all documents that he/she intends to present at the meeting.

18.3 The stage 3 absence meeting will be conducted by the headteacher and/or the Director of People & Improvement or a similar adviser. Any medical evidence or documentation that the employee wishes the headteacher and/or the Director of People & Improvement to consider should be submitted at least 2 working days prior to the meeting. The purpose of the stage 3 absence meeting is to consider whether the employee can continue employment with the trust in the light of their health, their attendance, and their ability to perform the role with reasonable effectiveness. The meeting also considers whether the trust can reasonably sustain the employee's level of attendance.

18.4 Potential Outcomes:

- An extension of monitoring and support within stage 2 of the formal process.
- If the headteacher decides that the employee's attendance is not acceptable and is unlikely to improve to an acceptable level, the employee may be dismissed with notice on the grounds of failure to sustain required levels of attendance.

18.5 If the headteacher decides to terminate the employee's employment on the grounds of the above, the employee will be informed of the trust's decision to dismiss in writing within 5 working days and the employee will be advised of their right of appeal.

## **Long term attendance management meetings**

### **19. Managing long-term absence**

19.1 Long term absence will be managed by the central HR team.

19.2 Absences of over 4 consecutive weeks' duration are considered long term (for both full time and part time employees). At the 4-week stage, the central HR team will make telephone contact with the employee to establish their health status and will update the senior leader accordingly. A referral to occupational health at this point may be considered dependent upon the circumstances. However, it may be decided not to instigate an occupational health referral under circumstances where a return to work is imminent and that no adjustments are required in the workplace.

19.3 Procedures for long-term sickness absence differ from those indicated for short-term sickness absence and as such advice should be sought from the trust's occupational health provider regarding the duration of sickness absence, the medical prognosis, the predicted date for a return to work, and whether a return to present duties is likely to prove feasible and sustainable.

19.4 In the event that the employee remains unfit for duty, the first formal meeting will be arranged at week four by the central HR team. The employee may be accompanied by a trade union representative or work colleague at this meeting. The purpose of the meeting is to discuss the current situation, review any up-to-date medical reports as appropriate and determine next steps. The HR team will

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explore ways in which the employee could be helped to return to work. This could include reasonable adjustments to duties, a reduction in hours, a phased return or re-deployment if a suitable vacancy is available. It should be stressed these options are designed to be supportive options for the employee to consider.

- 19.5 The need for further formal meetings will be determined on a case-by-case basis, however it is expected there will be a minimum of 2 formal meetings prior to a potential medical capability hearing. Employees will be informed of the impact of their absence and warned that their employment could be at risk if they are unable to fulfil their duties or return to work within a reasonable period of time.
- 19.6 The central HR team should keep in regular contact with the employee and discuss any options for returning to work, following advice specified in the employee's fit note(s) and/or received from occupational health. Such options may include, where appropriate, medical redeployment.
- 19.7 Regardless of the above, where a member of staff has a serious condition or terminal illness they should be treated with greater sensitivity and sympathy and should not be subjected to rigorous monitoring procedures.
- 19.8 If the employee's work has either caused or contributed to the employee's illness, the issues must be fully explored by the HR team and steps taken to ensure they are addressed prior to the employee returning. For stress-related cases, it may be appropriate to support the member of staff via a suitable risk assessment.
- 19.9 During the formal meetings the leader can discuss referral to occupational health (where appropriate) and plan the employee's return to work. Consideration should be given to the likely duration of the sickness absence and its impact on the effective and efficient operation of the academy.
- 19.10 All formal meetings should be documented, via this form here - [Long Term Attendance Management Review Meeting – Fill in form](#) A copy of all meeting notes will be shared via email to the employee, and upon request to the union representative. Throughout an extended period of sickness absence, the HR team should keep the employee fully informed of their position including ongoing eligibility for sick pay and of any changes impacting on the employee's working environment.
- 19.11 Accordingly, if the senior leader is satisfied, having taken recent (normally within the last 3 months) advice from occupational health, that a return to work within an acceptable timescale is no longer realistically likely, they may recommend dismissal on grounds of capability due to long-term ill-health and in such circumstances will prepare the management case to be presented in a medical capability hearing.

## **20. Ill-health retirement**

- 20.1 If a member of staff becomes too ill to continue in their role they may be eligible for ill-health retirement. Please refer to Appendix 1 for further information.

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### 21. Medical redeployment

- 21.1 Any offer of redeployment will be made on a trial basis for 4 weeks (equivalent to the statutory notice period of the employee) to establish the employee's suitability for the alternative role. The trial period will not extend beyond the employee's notice period except in cases where retraining is required.
- 21.2 The duration of the trial period will be confirmed in writing and statutory notice given of the date when termination of employment will take place if no suitable alternative employment is identified.
- 21.3 Where the occupational health practitioner considers that medical redeployment may be an option, consideration will be given to such redeployment. It will be the decision of the headteacher as to whether redeployment represents a realistic prospect within the trust.
- 21.4 The occupational health practitioner's opinion may be sought regarding the employee's capability to undertake the duties of the post proposed for redeployment. There is no salary/band protection in respect of medical redeployment to a lower graded post and the terms and conditions of employment will be those relating to the new post.

### 22. Medical capability hearing

- 22.1 Prior to a medical capability hearing taking place the management case should have afforded full consideration as to whether:
  - procedures have been followed
  - referral to occupational health (as appropriate) has been undertaken and an up to date occupational health report is available
  - it has previously been made clear to the employee that their continued employment was at risk
  - the employee has had sufficient opportunity to state their case
  - any new information has come to light
  - the option of reasonable adjustments has been considered
  - the option of redeployment has been considered
  - the case has been prepared with due reference to the Equality Act 2010.
- 22.2 The central HR team/nominated absence lead will usually have held at least 2 formal meetings with the employee at this stage and will (where a certificate of permanent incapacity has not been provided) prepare the management case for the medical capability hearing dismissal on the grounds of incapacity due to long-term ill-health.
- 22.3 The employee must be given reasonable notice (not less than 5 working days) of the date, time and venue of the medical capability hearing dismissal hearing and must be informed of the right to be represented by a trade union representative or work colleague.
- 22.4 In the medical capability hearing the central HR team/nominated absence leader who has dealt with the case up to now will present the management case with a recommendation of termination of employment.

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- 22.5 The case may be heard by the hearing officer alone (if they have had no previous involvement in the case) or alternatively may be heard by a panel comprised in accordance with the Scheme of Delegation. (For clarity, hereinafter the words 'panel' or 'chair of the panel' should be taken to include an executive headteacher or headteacher or more senior manager (or a Director) who may be hearing the case alone).
- 22.6 If the medical capability hearing is heard by more than one individual a member of the panel shall be nominated to chair the meeting.
- 22.7 After the central HR team/nominated absence leader has presented the management case the employee (or their representative) will then be given the opportunity to present their case to oppose the recommendation.
- 22.8 Either party may then be questioned by the panel. Following presentations from both sides. The chair of the hearing will close the meeting and call an adjournment to consider the decision.
- 22.9 The decision of the panel as to whether to dismiss the employee will be communicated to the employee in writing without delay.
- 22.10 Where a decision is taken to dismiss, the outcome letter (to be sent by recorded delivery) will inform the employee of the clear reason(s) for dismissal and the date of termination. The outcome letter will also inform the employee (who may appeal against any decision to dismiss) of their right of appeal and will additionally identify the individual to whom an appeal should be directed.

## **Additional Attendance Management Information**

### **23. Managing headteacher sickness absence**

- 23.1 In the case of headteacher sickness absence, the absence management procedure will be managed by an executive principal.
- 23.2 All sickness absence hearings relating to headteacher sickness absence will be conducted by the CEO and any appeal by the trust board.

### **24. Appeals**

- 24.1 Any appeal arising as a result of a warning or dismissal must be made in writing to the Corporate Services Manager within 10 working days of receiving the outcome of the hearing.
- 24.2 If the employee submits an appeal, they will be invited to an appeal hearing where their case will be heard by a more senior leader. In the event that a decision was taken by the headteacher any appeal will be heard by an executive principal or the CEO. The outcome of the appeal hearing will be confirmed in writing to the employee. There is no further level of appeal.

## **25. Appeal against medical capability hearing outcome**

- 25.1 In order to exercise their right of appeal against dismissal, the employee must write to the Executive Leader/CEO within 10 working days of being informed of the decision to dismiss, stating their grounds for appeal.
- 25.2 If the employee submits an appeal, they will be invited to an appeal hearing where their case will be heard by an Executive Leader/CEO. The employee and the trust may wish to provide additional medical information for consideration at the appeal hearing.
- 25.3 The outcome of the appeal hearing will be confirmed in writing to the employee within 10 days after the appeal hearing.
- 25.4 There is no further level of appeal.

## **26. Accrual of annual leave during sick leave**

- 26.1 Employees have the right to accrue annual leave during sickness and to take this upon return or carry forward the annual leave into the next leave year. The time an employee takes leave will be agreed by management in line with the needs of the trust. Full time employees are entitled to 28 days (5.6 weeks) of statutory annual leave under the Working Time Regulations 1998. Therefore, the entitlement to statutory annual leave can be offset by any periods of trust closure, whether they occur before or after the period of sickness. Where there is insufficient trust closure time to allow the statutory annual leave to be taken, the trust may allow the employee to carry forward the leave to be taken in a trust closure.
- 26.2 When an employee commences sick leave, the amount of leave an employee has had in the current leave year will be established by the amount of trust closure periods that have already occurred during the leave year. If this exceeds the entitlement to statutory annual leave there will be no further entitlement to leave.

## **27. Equality statement**

This policy adheres to the Equality Act (EA) 2010 and, in particular, its provisions relating to employees who have a disability. The Act requires employers to make reasonable adjustments to premises or working arrangements to facilitate access to work for disabled people and to enable an employee who is disabled or becomes disabled during the course of their employment to remain in work. Absence taken in relation to an employee's disability will be considered on a one-to-one basis and adaptations will be made, if necessary.

## **28. Linked policies**

- 28.1 This policy will be supported by the following policies and procedures:
- Leave of Absence Policy & Procedure
  - Wellbeing Policy & Procedure

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**29. Schedule of amendment**

Version No	Amendment

## **Appendix 1**

### **1. Ill-health retirement – teachers**

- 1.1 If a teacher becomes too ill to continue teaching they may be eligible for ill-health retirement, this will only be granted if the medical evidence shows that the teacher is permanently incapacitated from teaching on both a full and part-time basis.
- 1.2 In such cases, the senior manager (supported by a member of the central HR team) should facilitate a referral to occupational health to assess eligibility. If the teacher meets the criteria, a certificate of permanent incapacity (CPI) will be issued by the approved occupational health doctor enabling the teacher to pursue ill-health retirement.
- 1.3 Where a teacher who is absent on sick leave applies to Teachers' Pensions (TP) for an ill-health pension and is subsequently granted their pension, the trust does not formally dismiss the teacher. In these circumstances, the teacher is declaring themselves unfit to return to work and the award of the pension is the trigger for the ending of the contract. The senior manager (supported by the central HR team) should seek to agree a mutually acceptable date for the teacher's last day of employment which enables the teacher to have early access to their pension.
- 1.4 For applications for ill-health retirement received by Teachers' Pensions there are two tiers of ill-health retirement: Total Incapacity Benefit (TIB) and Partial Incapacity Benefit (PIB).
- 1.5 For both categories teachers must satisfy Teachers' Pensions medical advisers that they are permanently incapacitated from teaching on a full or part-time basis.
- 1.6 Teachers will be assessed as meeting the criteria for TIB if they are deemed to be unable to undertake any gainful employment.
- 1.7 Teachers will be assessed as meeting the criteria for PIB if deemed to be permanently incapable of teaching/lecturing but capable of undertaking a range of other types of work.
- 1.8 The decision as to whether a teacher is awarded TIB or PIB will be determined by the DfE's medical adviser based upon the medical evidence submitted with the employee's application.
- 1.9 If the teacher is deemed unfit to return to work, but does not wish to apply for ill-health retirement, a decision must be taken by the senior manager to instigate dismissal proceedings (see below) on grounds of incapacity related to long-term ill-health.
- 1.10 The trust's payroll team will inform Teachers Pensions when a teacher retires from the trust on ill health grounds, all other guidance and advice is provided by Teachers Pensions to the retiree on a case-by-case basis.

### 2. Ill-health retirement - support staff

- 2.1 If an employee has to leave work at any age due to illness they may qualify for immediate payment of benefits (based on an opinion from an independent qualified doctor that they will be permanently unable to do their own job and that there is a reduced likelihood of them being capable of obtaining alternative gainful employment before their normal pension age) and if a member of support staff becomes too ill to continue working in their current post they may be eligible for ill-health retirement.
  - 2.2 In such cases a referral to occupational health should be instigated by the headteacher or line manager. If the employee meets the criteria, a certificate of permanent incapacity (CPI) will be issued by the approved occupational health practitioner. The Local Government Pension Scheme (LGPS) operates a three-tier system for those members who meet their criteria for issue of a certificate of permanent incapacity.
  - 2.3 The CPI will entitle the employee to differing levels (tiers 1, 2 and 3) of benefit based on the likelihood of an employee being capable of obtaining alternative gainful employment after leaving their current position.
  - 2.4 On receipt of the CPI, the headteacher or line manager should obtain an estimate of the ill-health retirement pension figures and arrange a case review meeting with the employee, who may be accompanied by their trade union representative or work colleague.
  - 2.5 The purpose of the case review meeting is to discuss the facts and impact of a CPI being issued, including the following possibilities:
    - redeployment within the academy
    - early retirement on grounds of ill-health (and the acceptability (or otherwise) of this mooted option to the employee)
    - application for pensionable benefits.
  - 2.6 If early retirement on the grounds of ill-health is identified as the appropriate outcome for a member of support staff (always bearing in mind that the issue of a CPI relates to the current role performed by the member of staff and consideration must be given to the possibility that an alternative role might prove viable) the headteacher or line manager will progress arrangements to effect dismissal\*.
- \*Under LGPS regulations no provision exists for a member of support staff to gain access to their pension by means of early retirement through resignation on grounds of ill-health – it is therefore necessary for them to be (by negotiated agreement) officially dismissed on grounds of capability (see Capability Policy & Procedure for further details of mechanism).
- 2.7 If dismissal is deemed necessary in these circumstances, and if the employee does not wish to contest either the decision to dismiss, or the pension recommendation and CPI determination made by the occupational health practitioner, dismissal can, in these circumstances only, be effected by means of an informal meeting in which the employee will be advised as to the process (including the agreed date on which their dismissal will take effect) and will be given written notice of termination with appropriate notice period.

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- 2.8 Should the employee wish to contest the decision to dismiss they will be invited to a formal medical capability hearing where the case will be heard in full before a decision is reached as to whether the employee should be dismissed.
- 2.9 The trust's payroll team will inform the West Yorkshire Pension Fund (WYPF) when a support member of staff retires from the trust on ill health grounds, all other guidance and advice is provided by WYPF to the retiree on a case-by-case basis.