

Attendance Management Policy

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Contact: Chief Executive, Education Futures Trust



Our children. Our families. Our community.

Registered Charity Number: 1146171 Company Number: 7852922
Patron: Baroness Stedman Scott OBE

Attendance Management Policy

Introduction

The Education Futures Trust aims to encourage all employees to maximise their attendance at work, whilst also recognising that employees will, from time to time, be unable to come to work due to sickness.

Whilst it is recognised that some absence is inevitable, the Trust must also pay due regard to business needs. If an employee is frequently and persistently absent from work, this can damage the quality of service, increase costs to the organisation, and place an additional burden of work on the employee's colleagues.

The aim of this policy is to ensure that absences are treated in a consistent and supportive way, and to strike a reasonable balance between the pursuit of the Trust's needs and the genuine needs of employees to take occasional time off work. Equally, the policy also aims to ensure that potential abuse of sick pay is prevented. In managing absence the Trust will therefore adhere to the following good practice principles:

- the process will be fair and transparent to all involved
- prompt investigation will take place where an employee's absence is determined to be a concern
- openness should exist between managers and staff
- health matters will be treated as confidential
- where appropriate, advice will be sought from medical professionals
- appropriate solutions for the reduction of sickness absence will be identified, and all parties made aware of their role in resolving the issue.

All employee absences will be counted for the purpose of this policy, except

- approved/authorised holidays
- agreed family leave periods, (e.g. maternity leave), compassionate or dependency leave
- pregnancy-related absences
- jury service
- unpaid or paid leave for medical or dentist's appointments at which no actual treatment is to be provided
- toil for absences under 2 hours

and, unless it is justifiable to include them,

- absences that are related to an employee's disability.

At all stages of the process, the manager, should record the details of any discussion on supervision sheets and retain these on the employee's supervision file.

There should be *no exemptions* from the Short Term Procedure, but in considering the appropriate action to be taken, managers should exercise their judgement and discretion in each case.

Notification of Absence

Each employee must notify their line manager as soon as they know that they are unable to attend work. Informing a manager regarding absence is a basic responsibility of all employees: leaving a message at the office is not a substitute as confidentiality cannot be guaranteed. Only in exceptional circumstances may a close family member/friend notify the manager.

Employees are responsible for cancelling any appointments during the period of absence, unless they indicate to their manager that they are unable to do so. They should provide regular updates to their manager regarding their situation and their expected return to work.

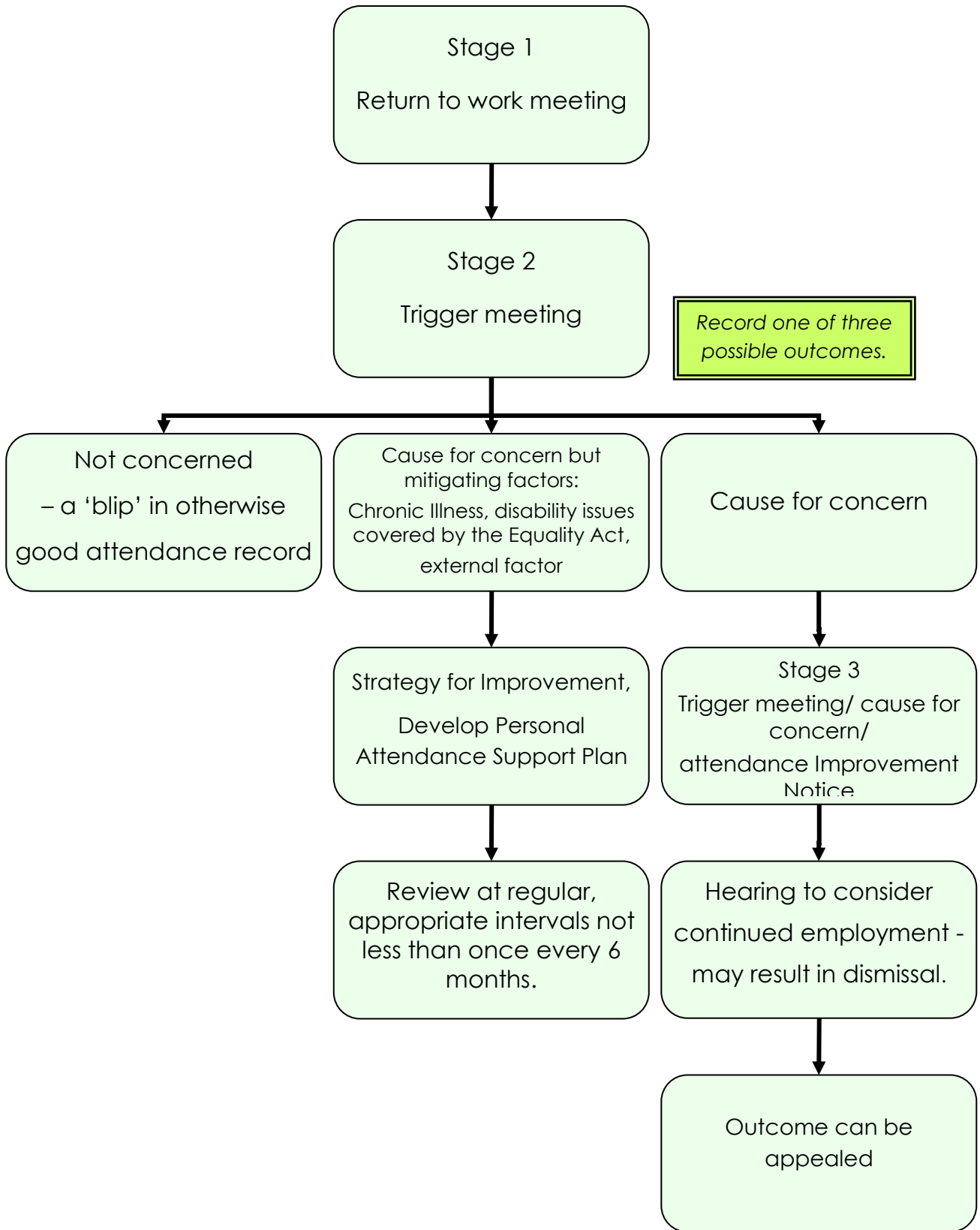
Managers have responsibility for recording all absences on the notification of absence form and monitoring the absence on a regular basis. The notification of absence form must be forwarded as soon as possible to the Chief Executive/member of staff responsible for personnel. Absences will be recorded centrally in the confidential attendance management file, and overall attendance monitored by the Chief Executive/member of staff responsible for personnel.

Evidence of Incapacity

Doctor's certificates are not required for short-term sickness. In cases of absence up to seven calendar days you must sign a self-certification absence form on your return to work.

If your sickness has been (or you know that it will be) for longer than seven calendar days, you should see your doctor and obtain a medical certificate. You should complete the back of this and send it through to the Chief Executive/member of staff responsible for personnel. You must supply consecutive doctor's medical certificates to cover the whole of your absence.

THE SHORT TERM ATTENDANCE MANAGEMENT PROCEDURE



Stage One – Return to Work Interview

Most attendance management cases are unlikely to progress beyond Stage One, which applies to **all** employees, on each occasion when they have been absent from work due to illness.

All employees must inform their manager when they are fit for work, and complete/provide the necessary documentation prior to starting work.

The line manager should meet with the employee on their return to work, following any period of short-term sickness absence, regardless of the duration or nature of the employee's absence. This would normally be a short, informal and private meeting using the following format:

- acknowledge that absence has taken place
- review the absence record - number of days lost, patterns, frequency and possible implications - with employee if previous absence is identified
- enquire about the illness and whether GP assistance was sought - whether further appointments be required in the future
- discuss what support the employee may need to ease the process of return including any reasonable adjustments
- provide an update on work issues and any cover arrangements put in place
- ensure the absence has been properly recorded on the form for recording absence and send the form to the Chief Executive/member of staff responsible for personnel.

Both the manager and the employee must maintain daily, informal contact from the date that the sickness absence commences and agree an acceptable means of keeping in touch throughout the employee's absence from work.

Should a manager not be able to physically meet staff on their return to work, another manager may under this duty or a telephone conversation may be substituted for a face to face meeting. What is important is that this meeting is held as soon as possible following the employee's return to work on their first day back.

Stage 2 – Return to Work Trigger Meetings

In moving to **Stage 2**, the employee will either have developed a pattern of sickness that causes the manager concern, or will have had absences on:

- three occasions during the previous 6 months on a rolling basis (the 3:6 rule) and/or
- one occasion of 8 or more working days continual absence.

As with Stage 1, all employees must inform their manager when they are fit for work, and complete/provide the necessary documentation prior to starting work.

The manager should arrange a Stage 2 meeting as soon as the employee returns to work, regardless of the sickness absence reason and including conditions covered by the Equality Act.

It is important for managers to demonstrate fairness and consistency in their approach. As well as considering the employee's individual circumstances and any mitigating factors, the manager should consider, discuss and record the impact the employee's absence(s) is/are having on service delivery and work colleagues.

The Stage 2 meeting should be conducted in person, face to face, and will cover the same issues as a Stage One return to work interview (see above).

The line manager will inform the employee whether or not this level of absence causes concern.

If the discussion at the Stage 2 meeting does not identify underlying issues that may be adversely affecting the employee's attendance levels, the manager will conclude the meeting and will issue the notes of the meeting which will outline the key points of discussion at the Stage Two meeting and state the circumstances which will trigger a further review of the employee's attendance record.

Where there is cause for concern, the manager will

- issue a letter (**Appendix 1**) confirming their concern (as above) and
- agree a strategy for attendance improvement with the employee, which may include the development of a Personal Plan (**Appendix 2**).

Managers must state the reasons for their concern in this letter, including the circumstances which will trigger a further review of the employee's attendance, and note any impact on service delivery and work colleagues. A copy of the letter confirming cause for concern (and the Personal Plan), should be kept in both the employee's personal file and their supervision file. A copy should be sent to the employee within 7 working days of the Stage 2 meeting.

Where attendance levels continue to cause concern and are not improving after a reasonable period of time following Stage 2, or the attendance level can no longer be sustained in the context of the needs of the service, the manager may progress to Stage 3 of the Short Term Procedure and convene a Stage 3 meeting.

Stage 3

A **Stage 3** meeting, in person, would apply automatically where an employee triggers for:

- a second time of three occasions during the previous 6 months on a rolling basis (the 3:6 rule) and/or
- an/other occurrence of 8 or more working days' continual absence

Where there is cause for concern, the manager will issue a letter (**Appendix 1**) confirming their concern. If this is the second time of concern then this will become a Final Attendance Improvement Notice.

If, following the Final Improvement Notice, there is a further absence then a dismissal notice will be issued.

Right of Appeal

If the manager decides to issue a Final Attendance Improvement Notice or a Dismissal Notice, despite a request by the employee not to do so, the employee may appeal against the decision.

Any appeal must be made in writing by the employee to the manager, *within five working days* from the date the Final Attendance Improvement Notice/Dismissal Notice was received by the employee.

The appeal will be heard by a different manager (senior to or at the same level) as the manager making the decision against which the employee is appealing.

Right to Representation

The employee has a right to formal representation by a Trade Union official or to be accompanied by a current work colleague at the appeal meeting. Managers will be advised by a fellow manager or a professional with suitable expertise, at the appeal meeting.

Annual Leave accrual during sickness absence

When managing sickness absence, managers should be aware that paid annual leave entitlement continues to accrue within the leave year. Employees have the right to choose to take holiday at the same time as sick leave.

Where a long term sickness absence gives rise to a termination of employment, employees will be entitled to a payment in lieu of any statutory annual leave allowance that has accrued up to the date of termination within the leave year and which has not been taken due to absence on long term sickness.

MANAGING LONG TERM SICKNESS ABSENCE

General Principles

In cases of prolonged or long term sickness, it will not always be possible to resolve the situation through improvement in the employee's absence record: ill health retirement or termination of contract may have to be considered.

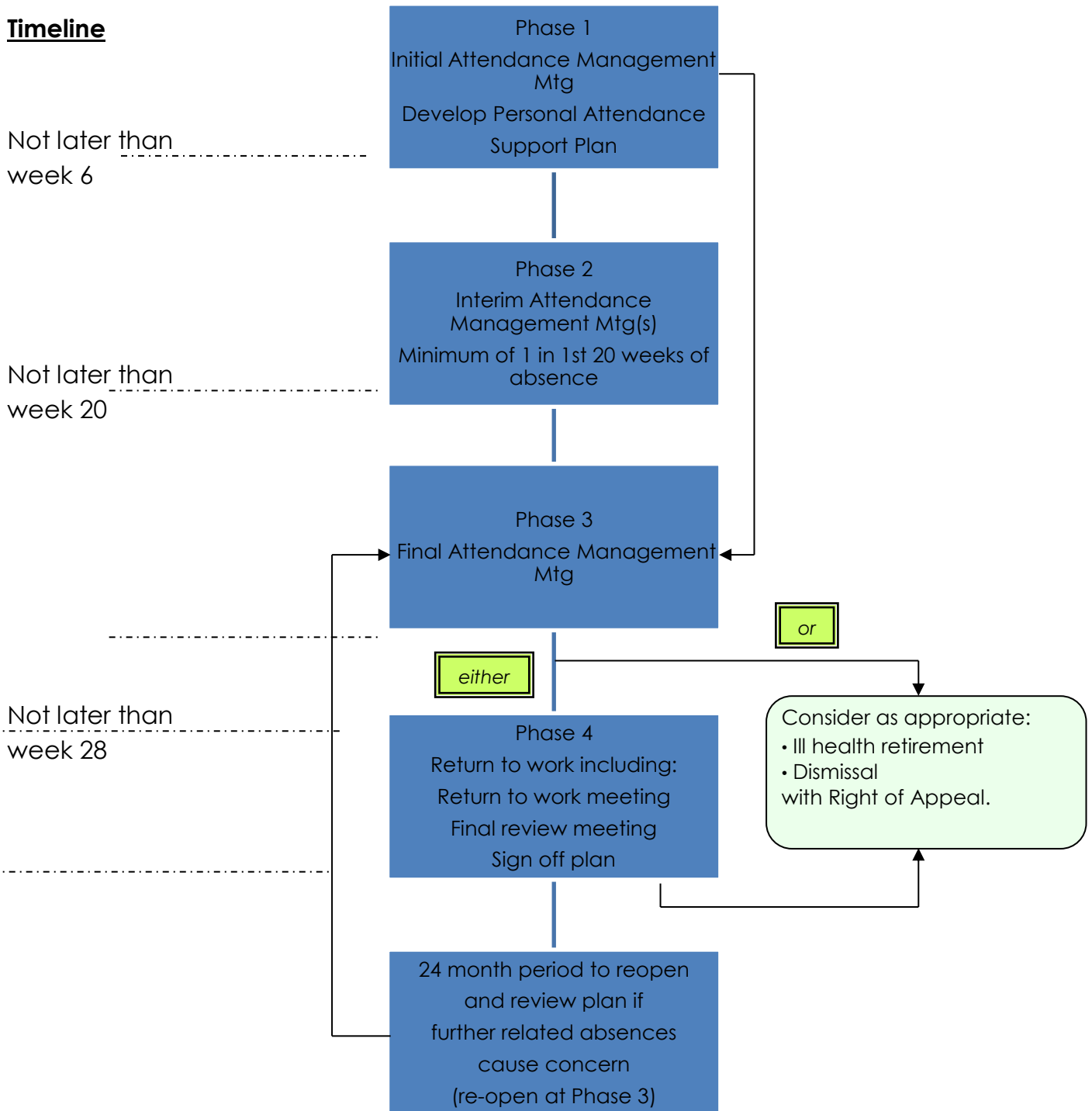
Both the manager and the employee must maintain regular, informal contact (at least weekly) from the date the sickness absence commences and agree a mutually acceptable means of keeping in touch throughout the employee's absence from work, **in addition to** the formal Attendance Management Meeting process set out in the next section.

The employee has responsibility for:

- informing their line manager immediately if there is any change in their medical condition and/or information relevant to the management of their absence from work and Personal Attendance Support Plan
- attending, wherever possible, and participating constructively in the Attendance Management Meetings to facilitate their earliest possible return to work
- participating in Return to Work reviews where a return to work is agreed
- providing clear and constructive feedback to their manager about the effectiveness or otherwise of the Return to Work arrangements
- attending the Final Review Meeting and signing off the Personal Attendance Support Plan confirming they are satisfied with the arrangements put in place.

THE LONG TERM ATTENDANCE MANAGEMENT PROCEDURE

Timeline



What is the definition of a long term sickness absence?

Any employee absent from work for a consecutive period of 4 calendar weeks or more will be regarded as having a long term sickness absence and it will be necessary for the line manager to seek a report from the GP.

What is an Attendance Management Meeting?

An Attendance Management Meeting is a formal meeting convened under Phases 1-3 inclusive of the Long Term Procedure to review and assess information, advice and circumstances relating to the employee's long term sickness absence.

What is a Personal Attendance Support Plan?

A Personal Attendance Support Plan incorporates a written record of each Attendance Management Meeting convened under Stages 1-3 of the Long Term Procedure and is a tool to develop and review a clear strategy of support for the employee.

Questions such as: "what is expected going forward?", "What can employer do to help situation?" and "What can employee do to help the situation?" should be explored.

Right to Representation

A manager has the right to be accompanied by another manager or the EFT's chosen representative, whilst the employee has the right to be accompanied by a Trade Union representative or a current work colleague.

THE PHASES OF THE LONG TERM PROCEDURE

Phase 1: Initial Attendance Management Meeting

The Initial Attendance Management Meeting is a formal meeting between the line manager and the employee to be held after 4 calendar weeks of continuous absence, but **no later than the end of week 6**.

Where a long term sickness absence is planned e.g. hospital admission for planned surgery, the Initial Attendance Management Meeting can be held, and a Personal Plan be developed, before the long term absence commences.

The purpose of the Phase 1 Initial Attendance Management Meeting is to gather and agree all relevant information concerning the employee's absence, in order to develop a Personal Plan tailored to the particular circumstances of the case, which:

- states the known facts relevant to the absence and its future management

- sets out a strategy for the future management of the case and any interim case reviews with clear timescales (see Phase 2) **or**
- starts to plan for the employee's return to work, if this is imminent, with clear timescales (see Phase 3) and
- confirms the arrangements for regular, informal contact between the manager and employee during the course of the sickness absence.

Phase 2: Interim Attendance Management Meetings

When the case is formally reviewed at the Phase 1 Attendance Management Meeting and a return to work is not considered imminent, a date should be set for a formal Interim Attendance Management Meeting to occur under Phase 2. This should take place at a reasonable interval from the Phase 1 meeting, taking into account all the circumstances and facts of the case.

The purpose of a Phase 2 Interim Attendance Management Meeting is to review the Personal Plan, including the arrangements for regular informal communication between the manager and the employee, and to update the information, planned actions and timescales specified therein, in response to new information/changes in circumstances and:

either (a) set a suitable date for a further Interim Attendance Management Meeting under Phase 2

or (b) arrange a suitable date for a Phase 3 Final Attendance Management Meeting, which will:

- plan for a return to work, including the finalisation of any medical redeployment if appropriate **or**
- an alternative course of action, when a return to work is unlikely to occur

The number of, and interval between, Phase 2 Interim Attendance Management Meetings will vary for each employee depending on the facts and circumstances of their case.

In all cases, if a return to work is not anticipated within four weeks of the Initial Attendance Management Meeting, the line manager should arrange **at least one** formal Interim Attendance Management Meeting to take place between the end of the 10th calendar week and **not later than** the 20th calendar week from the commencement of the absence.

Final Attendance Management Meeting

The procedure moves to Phase 3 when:

- **either** a return to work is imminent

- **or** it becomes clear from regularly reviewing the employee's absence in the Phase 2 Interim Attendance Management Meetings that a return to work is unlikely to be achieved either at all, or within a timescale that reasonably meets the needs of the service.

The purpose of the Phase 3 Final Attendance Management Meeting is to review the Personal Plan and:

- **either** confirm the anticipated date of the employee's return to work and explore what support may be necessary to ensure that their transition from absence to attendance is successful.
- **or** conclude that, in the light of all the material facts of the case, the employee is unlikely to return to work either at all, or within a timescale that reasonably meets the needs of the service. In these circumstances, the manager will need to consider the options for termination of employment, including ill health retirement, mutually agreed termination of employment, or refer to a hearing to consider the employee's continuation in employment where a mutually acceptable termination arrangement cannot be reached.

Fit Notes

A Fit Note is when the employee's doctor will either certify that the employee is "unfit for work" or that they "may be fit for work" under certain circumstances or conditions. Where the employee's doctor recommends "may be fit for work", the manager will need to determine whether the medical recommendations for a return to work can be accommodated. Where the recommendations for support, or limitations regarding the employee's fitness for work cannot be accommodated at that particular stage of the employee's recovery, the manager should revert to managing the sickness absence under Phase 2 of the Long Term Procedure, until further review(s) indicates that any recommended adjustments can be reasonably accommodated by the manager to enable a return to work. The employee will continue to receive sick pay in line with their sick pay entitlement until a return to work is achieved or the Attendance Management Procedure is brought to a close.

Return to Work Plan

Discussions at the Attendance Management Meeting should be incorporated into the Personal Plan as a specific section of that plan. This section of the Personal Plan should then be reviewed in Phase 4 of the procedure once the employee has returned to work.

Termination of Employment

The manager will confirm his or her conclusions to the employee in writing and the procedure for hearing a recommendation to terminate employment will take place.

Reasonable management action to terminate, or to recommend termination of, employment for long term sickness absence cannot be delayed only on the basis that an employee's occupational sick pay has not run out. Each case has to be considered carefully and proportionately on its merits.

The line manager may call a Phase 3 Final Attendance Management Meeting at any time after the Phase 1 meeting. Where the purpose of the meeting is to agree a Personal Plan for a Return to Work it may not have been necessary to hold a Phase 2 meeting first, particularly if the reason for the sickness absence was straightforward e.g. planned surgery with no complications and the recovery proceeds according to plan.

Where the circumstances of the sickness absence are more complex, and the Phase 3 Final Attendance Management Meeting may lead to either a phased Return to Work or a requirement for other support, for example reasonable adjustments, or could result in a recommendation to terminate employment, the manager **must** hold regular Phase 2 Interim Attendance Management Meetings to ensure that all relevant information has been obtained and options for rehabilitating the employee have been thoroughly explored before moving to a Phase 3 Final Attendance Management Meeting.

The Final Attendance Management Meeting under Phase 3 should be convened no later than the 28th calendar week of the absence.

Return to Work

Phase 4 commences on the employee's first day back at work after a long term absence on sick leave and may continue for up to 12 weeks from the date of return to work.

The purpose of Phase 4 is to ensure that:

- the employee is fully and properly supported during the transition period from absence to full attendance and
- there is a mechanism for reviewing the adequacy and effectiveness of the support mechanisms, including any reasonable adjustments, and
- the employee's progress is regularly monitored during this period.

Return to Work Meeting

The manager will meet with the employee on their first day back at work, both to brief them on workload/operational matters and to ensure that:

- all arrangements previously agreed at the Phase 3 meeting and recorded in the Return to Work section of the Personal Plan are satisfactory **and**
- to establish whether the employee requires any additional support, not already discussed or agreed, to enable them to experience a smooth transition back into the workplace.

The Return to Work Plan may be amended, if necessary, in the light of the discussions at the Return to Work meeting, including any reasonable adjustments agreed. Further informal review meetings to monitor the transition arrangements may be arranged, if appropriate in the circumstances, before the Final Review Meeting.

Meeting with the employee on their first day back in the workplace after a long absence and ensuring they feel welcome and at ease is considered crucial to the process of rehabilitation. Where the line manager is unable to meet with the employee on their first day back, they should nominate another, suitably briefed, manager to conduct the Return to Work.

Phase 4 is a transition phase from absence to full attendance and aims to rehabilitate the employee back into their work and into normal working relationships as quickly as possible in their circumstances. Part of this rehabilitation will be the restoration of the normal supervisory relationship between the employee and their manager.

There is no right to formal representation at Phase 4 Return to Work review meetings.

The Final Return to Work Review Meeting

As part of the transition review meetings under Phase 4, the manager and the employee will agree a suitable date for a Final Return to Work Review Meeting when the Return to Work Plan will be signed off, confirming that the rehabilitation phase has been completed successfully and the employee has returned to full fitness for work.

The date of the Final Return to Work Review Meeting will vary according to individual circumstances. However, 6 calendar weeks from the date of the employee's return to work is recommended as an optimum date.

What happens if the Return to Work Plan is not successful or cannot be signed off within 12 calendar weeks?

In circumstances where full rehabilitation has not been achieved within 6 weeks, the line manager should be meeting with the employee regularly and reviewing with them the potential for them to return to work successfully.

Accordingly the line manager *must* review the Return to Work Plan formally with the employee **not later than 12 calendar weeks from the date of return to work** to re-examine the alternative options for the employee's future. These can include the consideration of:

- an application for ill-health or early retirement or
- suspension from duty pending a hearing to consider the employee's continued employment.

These options will be considered if a Return to Work Plan cannot either be signed off, or amended, to achieve a successful and sustained Return to Work within a reasonable timescale.

Right to Representation

This will effectively return the Long Term Procedure to Phase 3 and therefore the manager and the employee will have the right to be accompanied as above.

Duration of the Personal Attendance Support Plan

The Personal Attendance Support Plan will remain on the employee's personal file for 24 months after it is signed off at the Final Return to Work Review Meeting. In certain circumstances, if the employee's attendance gives further cause for concern during this period, this Personal Plan may be reviewed and the Long Term Procedure re-activated at Phase 3 initially.

What happens if the employee has a further sickness absence following their Return to Work?

If the employee has a further sickness absence during the Phase 4 Return to Work period, and it occurs before the Phase 4 Final Review Meeting and sign off of the Return to Work Plan, the absence will be continue to be managed under Phase 4, even if it is a short term, unconnected sickness absence.

A support meeting should be held as above and the line manager should review the Return to Work Plan and record any amendments that may be agreed in the light of information arising from the meeting.

The Personal Plan will be re-opened and reviewed accordingly as part of the usual supervisory relationship and there is no right to representation at these meetings.

However, if a Final Attendance Improvement Notice/Dismissal Notice is issued as a result of Stage 3 meeting, the employee has a right of appeal and there is the right to formal representation at the appeal hearing, by a Trade Union official or current work colleague.

Appendix 1

Cause for concern letter.

PERSONAL & CONFIDENTIAL

20 December 2021

Name

Education Futures Trust

The Firs

Hastings

Dear

As you had been absent on 3 separate occasions in a consecutive six month period and moved to stage 2 of the Attendance Management Procedure we met on **date**

OR

As you had been continually absent for 8 or more working days and moved to Stage 2 under the Attendance Management Procedure we met on **date**.

At the meeting the following concern was raised and we discussed the impact of your absence on service delivery and work colleagues.

It was agreed that your target would be to reduce your level of absence in the coming six months, with the aim to achieve improved attendance and strive towards 100% attendance. Should this not be the case, then we will meet to review your attendance.

You can access the Attendance Management procedure in the policy handbook by referring to the 'shared drive' for a copy.

If you have any queries please speak to your line manager.

Yours sincerely,

Name

Job Title

**Appendix 2
Personal Plan**

PERSONAL ATTENDANCE SUPPORT PLAN

Name of Employee:

Name of Manager:

Date Plan is developed:

Detail whether related to long-term or short-term absence, nature of absence, expected recovery, interim support measures, keeping in touch arrangements, date, time and phase/stage of next meeting.

The date for our next meeting is scheduled for:

Detail when next meeting is booked for and at which long-term phase or short-term stage.

Detail expectation of attendance, upcoming medical appointments, future planned absence etc. Update and revise as appropriate.

Date of return to work review:

Detail revisions to support plan. Update and revise as appropriate

Once the manager and employee are happy that the return to work has been successful or attendance expectations have been met, both parties are expected to sign off the Personal Attendance Support Plan.

The Personal Attendance Support Plan can be reopened over a period of 24 months from date of signature by both parties.

Signed: (Manager)

Date:

Signed: (Employee)

Appendix 3 Coronavirus (COCOVID-19)

The standard processes will continue to apply. **Staff who are diagnosed/self-diagnosed with the virus** should follow medical advice and EFT processes. Those staff with the virus who are entitled to Statutory Sick Pay (SSP) will receive SSP. Staff who are entitled to EFT occupational sick pay will receive this in line with the relevant policies, less the amount of SSP received.

EFT requires evidence of illness after the self-certification period of 7 days. For the purpose of this virus, certification from the whole range of NHS services will be acceptable (e.g. through 111). Any issues in gaining certification should be discussed with the relevant line manager.

Staff who need to self-isolate will be entitled to Statutory Sick Pay (SSP) at the standard rate for a maximum of 14 days. For those able to evidence the work that they complete, the first day may be claimed and paid as working from home. In some circumstances this may be extended by permission of the CEO, and evidence will be needed to demonstrate the work undertaken. Staff are able to use their leave entitlement, or use any TOIL if they choose. Documentation will need to be completed to evidence all decisions.

Any staff member who takes time off for any issue relating to the virus, must liaise with their manager to demonstrate that they are fit for work prior to their return to work.

In the event of a member of staff needing to take time off for childcare or dependent care, they will have the option to use holiday, TOIL or unpaid leave. All absences should be discussed in advance with the relevant line manager.