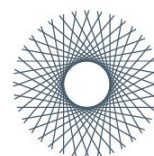


# Health and attendance policy



AGORA  
LEARNING  
PARTNERSHIP

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## 1. Introduction

1.1 The aims of this Health and Attendance policy are to:

- set out the Trust's approach to sickness absence management, including but not limited to;
  - its trigger points
  - the requirements for notification
  - the requirements for certification
  - its position on payment during sickness absence
- ensure employees and managers are aware of their responsibilities when sickness absence from work occurs
- ensure that any sickness absence is dealt with fairly and consistently
- **our position on both short term and long-term absences from the workplace**

1.2 This policy and procedure applies to all employees within the Trust; it does not form part of any employee's contract of employment and it may be amended at any time.

1.3 The Trust is aware that sickness absence may result from a disability. At each stage of the procedure, including meetings/hearings particular consideration will be given as to whether there are reasonable adjustments that could be made to the procedure or role requirement.

1.4 The Trust recognises that its employees' contribution to the functionality of the Trust and its schools is crucial to its continuing success. It is therefore committed to preserving the health, welfare and safety of all its employees and as such seeks to provide safe and healthy working environments. It is inevitable that from time-to-time employees may be unable to attend work due to sickness or injury. In such instances, the Trust is committed to dealing with absence due to genuine sickness in an empathetic, objective, sensitive, and consistent way across the Trust and to assist employees return to work as quickly as possible. It is also the Trust's aim to minimise the incidence of sickness and to give appropriate guidance and support to achieve this.

1.5 However, high levels of sickness absence and/or repeated absence can cause significant disruption to the business of the school/Trust and can place an undue burden on other team members and therefore this needs to be managed closely.

## 1.6 Health and wellbeing responsibilities

1.6.1 The Trust recognises its legal duty of care to employees to promote health at work. The Trust will ensure that its policies and practices reflect this duty and create a safe working environment where potential work-related stressors, as far as reasonably practicable, are avoided, minimised or mitigated through good management practices and appropriate risk assessments.

1.6.2 The Trust encourages an open, understanding working environment and encourages staff to inform their line manager if they are experiencing health symptoms at an early stage to ensure that these are treated as an ongoing health issue rather than as individual instances

of ill health. This can also help the Trust and schools decide on the suitable support to address an employee's individual needs and where reasonable adjustments can be made. This may, for example, apply to employees experiencing menopausal symptoms (additional detailed guidance has been given to school leaders to support staff experiencing menopausal symptoms). Trust and school leaders should create an environment where all employees feel confident in discussing health symptoms openly with their line manager or other senior leader, without embarrassment.

- 1.6.3 Trust and school leaders should ensure that employees understand their role within the team and receive the appropriate information and support to do their job. The Trust will seek to ensure that structures exist to give employees regular feedback on their performance, and for them to raise concerns. Managers and employees should regularly discuss individual training needs to ensure that employees have the necessary skills to adapt to changing job demands.
- 1.6.4 Employees should take responsibility for managing their own health and wellbeing, by adopting good health behaviours (for example in relation to diet, exercise, alcohol consumption and smoking) and must raise concerns with their manager if they feel that there are work issues that are causing them stress or having a negative impact on their wellbeing. Employees must take responsibility for developing their own skills as one of the means to enable them to work effectively in their team and so reduce the risk of stress. Employees can also refer to the Trust's *Flexible working policy* where appropriate.

## 2. Scope

- 2.1 This policy covers short-term and long-term absences. The definitions used in this policy are:
  - Short-term absence: frequent, intermittent, short periods of absence
  - Long-term absence: any period of absence over 28 days (calendar)
  - Trigger points: absence monitoring system to highlight levels or patterns of sickness that require further attention
- 2.2 In the case of a breach of this policy and procedure, employees may be subject to disciplinary proceedings and possible withdrawal of sick pay.
- 2.3 Breaches include, but are not limited to, a failure to follow notification and certification requirements, when a school/the Trust has reason to believe the sickness absence is not genuine and when the employee is undertaking inappropriate activities, including working for another organisation, whilst off sick.
- 2.4 Other relevant policies and guidance include: Disciplinary, Career break, Flexible working
- 2.5 In cases where the headteacher/CEO is the absent party, the chair of governors/chair of the Board of Trustees will carry out the functions normally allocated to the headteacher in this procedure.
- 2.6 Where headteachers/the CEO are absent they will need to notify both the chair of governors/Chair of the Board of Trustees and their deputy or next suitable post holder.

### 3. Trigger points

- 3.1 It is hoped that close monitoring and discussions regarding absence and attendance will result in an improved attendance record. However, if levels of sickness absence reach a trigger point your sickness absence may be discussed with you and managed in line with the Trust's absence management procedures (section 11).
- 3.2 In any six-month period, the trigger points are:
- three separate occasions of sickness absence
  - a continuous sickness absence of 10 working days or more
  - an absence which appears to have a recurring recognisable pattern i.e. frequent absenteeism around a weekend
- 3.3 These trigger points are for guidance only and the school/Trust reserves the right to raise any concerns at an earlier stage where there are reasonable grounds for concern, or at a later stage, where appropriate.

### 4. Sick pay

#### 4.1. Statutory sick pay

Subject to compliance with the Trust's procedures, the Trust will pay statutory sick pay (SSP) to eligible employees at the national rate, which is subject to the deduction of tax and national insurance contributions.

SSP is payable from the fourth day of absence and up to 28 weeks.

To qualify for SSP, employees must complete and provide a self-certification form to the Trust.

#### 4.2. Occupational sick pay

Subject to compliance with the Trust's procedures, the Trust will pay occupational sick pay.

Eligibility for occupational sick pay including duration and level of payment, is in accordance with the relevant conditions of service, see appendix for details.

All occupational sick pay paid to an employee shall be deemed to include statutory sick pay.

#### 4.3 Long term absences

For long term absences, if it is concluded in the school's/Trust's reasonable belief, that an employee is unable to fulfil their contract of employment as a result of ill health, the Trust reserves the right to terminate the employee's contract with due notice having followed the Trust's absence management procedure prior to any applicable sick pay having been exhausted.

### 5. Medical appointments

- 5.1 The Trust will allow reasonable time off where appointments are unable to be scheduled outside of working hours. **Ordinarily time-off for such meetings is unpaid unless discretion is applied by the Headteacher/ Line Manager.**

- 5.2 Before arranging non-urgent medical appointments, employees should seek approval from their line manager and should endeavour to arrange appointments at the beginning or end of the day, or during lunchtime, to minimise the time they have to be absent from work. Evidence of the appointment may be requested by the school/Trust.

## **6. Notification requirements**

### **6.1. First day of absence**

It is a requirement that employees telephone their line manager or other nominated appropriate person to report that they are too unwell to come to work. The employee should aim to do this as early as possible and before their normal start time.

In circumstances where the employee is incapacitated or unable to contact the school/Trust to report their absence, their next of kin should do so on their behalf, at the earliest opportunity.

It is not permissible to contact the school/Trust by email, text message or via social media without prior permission.

### **6.2. Ongoing absence**

For each subsequent sick day after the first day of absence, the employee should telephone their line manager before as early as possible and before their normal start time. However, managers should use their discretion and can agree different arrangements as appropriate.

- 6.3 A failure to attend work without providing any reason, or any reasonable reason will be deemed an unauthorised absence from work which may result in an employee being in breach of contract and therefore subject to disciplinary process and/ or withdrawal of pay.

## **7. Certification requirements**

### **7.1. Absence up to 7 days**

Employees are permitted to self-certificate for any absence up to 7 days (calendar, inclusive of bank holidays).

A copy of the complete self-certification form should be provided to the school/Trust upon a return to work in order for sick pay to be processed.

Unless specifically requested, employees are not required to provide a statement of fitness for work i.e. 'doctors fit note', for absences up to 7 days.

### **7.2. Absence over 7 days**

Where sickness absence lasts longer than 7 calendar days, medical evidence is required in the form of a fit note and should cover the duration of the absence.

If a fit note expires and the employee is not well enough to return to work, the employee should obtain a further fit note to ensure their absence is certified and should provide it to the school/Trust at the earliest opportunity. The employee should inform the headteacher that a further fit note has been applied for by the expiry date.

The Trust reserves the right to require employees to obtain a fit note for absences of any duration. In circumstances where the employee incurs a cost for obtaining a fit note for an absence up to 7 days, the school/Trust will reimburse reasonable costs incurred.

### **7.3. Certification during school holidays**

Where an employee is not fit to work on the last day of term and is not fit for work on the first day of the next term, a fit note is required to cover the holiday period.

### **7.4. Sickness during annual leave**

If an employee becomes unwell during annual leave and wishes to treat this as sick leave and reclaim annual leave, they will need to provide appropriate certification as per sections 7.1 and 7.2.

### **7.5 Failure to provide a medical certificate**

Should an employee fail to provide a certificate either from the outset of an absence or fail to maintain certification throughout the entire period of their absence, they will be treated as having an unauthorised absence from work and may be deemed to be in breach of contract with the consequences outlined above.

## **8. Maintaining Contact**

It is a requirement that contact is maintained between employer and employee.

It is anticipated that at an early stage of the absence, arrangements will be made between employee and employer as to the frequency and form contact is to take.

A failure to maintain reasonable contact may be dealt with under the Trust's disciplinary policy.

## **9. Return to work following a period of absence**

It is good practice for return-to-work meetings to be carried out when an employee returns to work after a period of absence. This will be carried out by the line manager or other appropriate person. Where possible, the return-to-work meeting will be carried out on the first day back to work by the headteacher, line manager, or other nominated person, or shortly afterwards where this is not possible.

A record of the meeting must be made using the self-certification sickness absence and return to work meeting form (appendix 3). A copy of this form should be given to the employee and the original placed on the employee's personal record file.

The purpose of the meeting is to welcome the employee back to work and to establish that they are fit to carry out their duties. The meeting will establish the reasons for the absence and highlight any additional support required. Any concerns regarding absence from work may be raised and measures identified to support the employee to improve attendance and help prevent its reoccurrence.

Employees should be made aware when they are near to reaching trigger points and the potential implications of this.

## 10. Occupational health referral

During any period of absence (short-term and long-term) or upon return to work, the Trust may require an employee to engage with an occupational health provider, to obtain medical advice into their health or reason for the absence.

Employees are expected to attend an appointment, co-operate with the occupational health professional and provide consent for the release of medical information.

The line manager should discuss the reason for the referral directly with the employee before making a referral.

### 10.1. When to make a referral

We may consider making a referral to occupational health in the following circumstances (this list is not exhaustive)

- where it is anticipated or known that the absence is going to last four weeks or more (the absence need not have exceeded four weeks at the time of making the referral)
- where there is a concern over persistent short-term absence prior to or during an attendance improvement plan
- where a trigger point is met (unless a referral has already been undertaken recently)
- where there appears to be an underlying medical condition
- when an employee has been absent with, or appears to be suffering from, mental health issues (i.e., stress, anxiety, depression)
- where there are concerns about an employee's health and/or safety in the workplace and medical advice is required.

Referrals may not be necessary for routine procedures which require a fixed period of convalescence unless complications arise.

### 10.2. Occupational health recommendations

A report by an occupational health provider is advisory.

The report may contain recommendations of support and reasonable adjustments including a phased return to work or temporary or permanent adjustments to an employee's role. The report should be discussed with the employee and the school/Trust should decide whether recommendations are reasonable and can be implemented.

In the event that the employee is unable to fulfil the role, retirement or termination of employment on ill health grounds capability may be considered.



## **11. Informal and formal absence management procedures**

If an employee's absence has met the Trust's trigger points and/or is persisting on a short-term or long-term basis, the Trust may choose to move into informal or formal management procedures.

### **11.1. Attendance improvement plans (AIP)**

An AIP is a record of the attendance levels the employee will need to achieve to improve and maintain their attendance. The AIP should give the employee adequate time to demonstrate attendance has improved in a sustainable manner and should include details of the support the employee will be offered to help them achieve improved attendance.

An AIP can be implemented in both informal and formal management procedures.

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

### **11.2. Right to be accompanied**

The employee has the right to be accompanied at a formal meeting by a trade union representative or appropriate work colleague.

The employee should provide the name of the representative within 3 working days of the meeting. Where the chosen representative is unavailable on the day scheduled for the meeting, the employee may request the meeting is rescheduled within 5 working days of the original date. If the employee is unable to attend the meeting in this timeframe, the meeting may take place in a timeframe at the discretion of the school/Trust. If the representative remains unavailable, the employee may be asked to choose another representative.

There is no right to be accompanied at informal meetings. This will only be permitted where it is deemed to be in the interests of early resolution and where there are particular circumstances in which an employee needs additional support. In such cases an independent note-taker may also be present. A delay to enable the attendance of a representative to an informal meeting will be discretionary.

During the meeting the representative may put the employee's case forward and confer with the employee, they may not answer on the employee's behalf or address the attendees if the employee demonstrates they do not wish this.

### **11.3. Informal absence review meetings**

Informal absence review meetings are arranged to discuss, including but not limited to, the cause of the absence, anticipated return to work, fitness for duties, support and reasonable adjustments.

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



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

#### **11.4. Formal meetings**

Where formal action is required as a result of an employee's attendance record, the Trust will invite the employee to a formal meeting with reasonable notice.

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

At formal meetings, employees will be given the chance to state their case and raise any factors they wish to have considered.

#### **11.5. Formal meeting conversation**

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

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

#### **11.6. Formal meeting outcomes**

The outcome of a formal absence review meeting could include;

- First written warning and/or an attendance improvement plan
- Final written warning and/or an attendance improvement plan

- Dismissal (with notice), where the employee has been given informal support and has been issued with a first and final written warning and is unable to exercise their duties due to ill health
- Dismissal (with notice), where the employee has not been issued with a first or final warning. Considerations should include;
  - if the employee has been absent on a long-term basis
  - if the Trust has allowed for a reasonable period of recovery
  - if medical advice has been sought and considered
  - if a return to work in the short-term is unlikely
  - if there are reasonable adjustments that would enable the employee to return to work
  - if we can demonstrate that a longer period of absence cannot be sustained operationally.

#### **11.7. Duration of warnings**

In circumstances where a warning is issued, it will be 'live' for a period of 12 months, unless the employee is notified otherwise.

#### **11.8. Appeal**

The employee has the right to appeal against the Trust's decision at any stage of the process. To exercise this right, they must write to the person specified clearly stating the grounds for appeal, within 7 days from receipt of the letter.

An appeal will be heard by an appropriate person who was not involved in the original meeting.

At the discretion of the Trust, the appeal will be a rehearing or a review of the original decision.

New evidence will only be considered if relevant and there is sufficient reason why this has not been referenced earlier.

### **12. ILL HEALTH RETIREMENT**

Ill health retirement can be considered before the decision is taken to terminate employment. Ill-health retirement is subject to the eligibility criteria being met, as set out by the relevant pension provider.

For non-teaching / support staff, in some circumstances, it may be possible to mutually agree a date that employment will end, avoiding the need for a formal hearing, however the end of employment must still be treated as a dismissal.

## APPENDIX 1: SICK PAY ENTITLEMENT TEACHING STAFF

Teachers	
During the first year of service	Full pay for 25 working days and after completing 4 calendar months' service half pay for 50 working days
During the second year of service	Full pay for 50 working days and half pay for 50 working days
During the third year of service	Full pay for 75 days and half pay for 75 working days
During the fourth year and successive years	Full pay for 100 working days and half pay for 100 working days
<p><b>Note 2:</b> Sickness entitlement is calculated on a <b>rolling year</b> basis. A <b>rolling year</b> is the <b>year</b> immediately preceding the start of a period of <b>sickness</b>. For example if <b>sickness</b> absence commenced on 4 September 2021, then <b>sickness</b> entitlement is calculated on the amount of <b>sickness</b> absence taken since 5 September 2020.</p>	

## APPENDIX 2: SICK PAY ENTITLEMENT NON-TEACHING SUPPORT STAFF

Table A – TUPE'd Support staff employed on HCC terms and conditions Conditions effective in HCC schools from 1 April 2012	
First 2 days absence in each period of absence	No pay (New employees from the date of the school joining the Trust: Normal pay)
During the first 6 months of service	Statutory Sick Pay only
During months 7-12 of service	1 month full pay and 1 month half pay
During the second year of service	2 months' full pay and 2 months' half pay
During the third year of service	3 months' full pay and 3 months' half pay
During the fourth year of service and successive years	4 months' full pay and 4 months' half pay
Additional Disability Leave allowance	Up to 5 extra days paid disability leave per year available to those employees who have a disability defined by the Equalities Act 2010.
Additional Pregnancy related sick leave	Up to 5 extra days paid pregnancy related sick leave for women who experience pregnancy related sickness.
<p><b>Note 1:</b> For occupational sick pay entitlement record purposes (and without prejudice to the National Council's arrangements for self-certification days and to any local agreements on "qualifying days" for statutory sick pay purposes) "one month" is deemed to be equivalent to 26 working days, Saturday being reckoned in all cases as a working day.</p>	
<p><b>Note 2:</b> If an employee has suffered an injury during the course of their work duties, and this has been confirmed in writing by the Department of Work and Pensions (DWP), then the employee is entitled to receive the first four months of their absence as full pay (for the first two days of absence pay will not be deducted). If they are still absent after the first four months, then their normal sick pay entitlement will begin.</p>	
<p><b>Note 3:</b> Entitlement is based on continuous service.</p>	
<p><b>Note 4:</b> <b>Sickness</b> entitlement is calculated on a <b>rolling year</b> basis. A <b>rolling year</b> is the <b>year</b> immediately preceding the start of a period of <b>sickness</b>. For example if <b>sickness</b> absence commenced on 4 September 2021 then <b>sickness</b> entitlement is calculated on the amount of <b>sickness</b> absence taken since 5 September 2020.</p>	

Table B – Support staff employed on Agora Learning Partnership (previously Herts for Learning MAT) terms and conditions	
NJC Green book sickness scheme	
During the First year of service	1 Month full pay and, after completing 4 months' service, 2 months half pay
During the second year of service	2 months' full pay and 2 months' half pay
During the third year of service	4 months' full pay and 4 months' half pay
During the fourth and fifth year of service	5 months' full pay and 5 months' half pay
After 5 years' service	6 months' full pay and 6 months' half pay
<p><b>Note 1:</b> For occupational sick pay entitlement record purposes (and without prejudice to the National Council's arrangements for self-certification days and to any local agreements on "qualifying days" for statutory sick pay purposes) "one month" is deemed to be equivalent to 26 working days, Saturday being reckoned in all cases as a working day.</p>	
<p><b>Note 2:</b> If an employee has suffered an injury during the course of their work duties, and this has been confirmed in writing by the Department of Work and Pensions (DWP), then the employee is entitled to receive the first 6 months of their absence as full pay. If they are still absent after the first 6 months, then their normal sick pay entitlement will begin.</p>	
<p><b>Note 3:</b> Entitlement is based on continuous service.</p>	
<p><b>Note 4:</b> Sickness entitlement is calculated on a <b>rolling year</b> basis. A <b>rolling year</b> is the <b>year</b> immediately preceding the start of a period of <b>sickness</b>. For example if <b>sickness</b> absence commenced on 4 September 2021 then <b>sickness</b> entitlement is calculated on the amount of <b>sickness</b> absence taken since 5 September 2020.</p>	

### Appendix 3 - Self Certification Sickness Absence and Return to Work Meeting

User Guidance Notes															
<p>This form should be completed using block capitals and placed on the employee's file. In addition, a copy should be given to the employee.</p> <p>Please ensure that you complete all sections of the form. If you require further guidance please contact the Trust's HR provider.</p>															
Part One-Employee details															
Title	First name					Last name					Initials				
Job Title				Payroll Number											
Part Two - Details of Sickness															
Number of days Absent		Start date of sickness								Last date of sickness					
Working days															
Calendar Days		Please tick this box if the sickness was over 7 calendar days <input type="checkbox"/> Please attach a fit note/GP's certificate.													
Part Three – Return to work meeting															
Line Manager's Name															
Date of meeting															
Location of meeting															
People present at meeting															
Back problems	<input type="checkbox"/>	Muscular Skeletal	<input type="checkbox"/>	Stress/Depression/Anxiety	<input type="checkbox"/>										
Carcinoma	<input type="checkbox"/>	Colds	<input type="checkbox"/>	Flu	<input type="checkbox"/>										
Infections	<input type="checkbox"/>	Headache/ Migraine	<input type="checkbox"/>	Eye Disorder	<input type="checkbox"/>										
Ear, Nose & Throat	<input type="checkbox"/>	Urinary Tract infection	<input type="checkbox"/>	Pregnancy Related	<input type="checkbox"/>										
Stomach Aliments	<input type="checkbox"/>	Heart problems	<input type="checkbox"/>	Respiratory/Chest/Asthma	<input type="checkbox"/>										
Other (please specify):															
Details of items discussed															
Risk Assessment reviewed or conducted? Yes <input type="checkbox"/> / No <input type="checkbox"/>															



Have any health review triggers been reached? Yes ☐ / No ☐

**Health review prompts**

- When there are 3 or more instances of absence in any rolling 6 month period
- When an individual accumulates ten or more calendar days absence within any rolling 6 month period
- When an absence appears to have a recognisable pattern, for example frequent absence around a weekend
- When an employee's sickness absence is for a continuous period of at least 28 calendar days
- When there are a series of absences which impact on service delivery
- Has an Attendance Improvement Plan been set recently (this may be set prior to trigger points being met).

**Yes** ☐ (If yes, consider arranging a Formal ill-health Capability Meeting and inform employee that they *may* be issued with a warning at the Formal ill-health Capability Meeting)

**No** ☐

Attendance Improvement Plan set? Yes ☐ / No ☐

**Details of support offered**

**Details of the impact of the absence on the school/employees workload**

Referred to Occupational Health? Yes ☐ / No ☐

**Part Four – Authorisation**

I certify I was absent from work due to sickness as detailed on this form.

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

Employee Signature:

Name

Date

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I certify that I have discussed this absence with the employee and that the necessary certifications have been completed.

Managers Signature:

Name

Date

2

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