

Attendance Management Guidance

Yorkshire Endeavour Academy Trust

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This document has been produced for Academy Trusts by North Yorkshire HR and, with the related toolkit available on the HR web pages of CYPS Info, it supports the 'Attendance Management Policy and Procedure for Academies'. Managers are encouraged to refer to this guidance document and associated links to ensure employees are appropriately supported and to deliver best attendance management practice. Relevant employment legislation is accounted for within this attendance management toolkit. Both the policy and procedure and the guidance document have been produced for managers and employees. Details of bespoke training and development and information on any other traded services, such as health assured, is available on request via North Yorkshire Education Solutions.

Advice is available for Academy Trust's from North Yorkshire HR regarding the application of the Attendance Management Policy and Procedure and related guidance, via email nyhr@northyorks.gov.uk or by telephone, 01609 798343. Employees are encouraged to discuss any queries with the Academy Trust or their Professional Association / Trade Union representative.

Where reference is made to 'Manager' within this policy, this could mean Principal, Headteacher, line manager, Head of Department/Faculty, Business Manager, Trustee or Local Governor, subject to delegation and authority for decision making within the Academy Trust.

Access: If you require this information in an alternative format, please contact North Yorkshire HR.

Introduction

The current educational climate predicts change at a significant pace for delivery of high quality teaching in a rich learning environment. The Academy Trust values all members of staff and their health and well-being is important. There are occasions when health related circumstances cause sickness absence and the

Attendance Management policy and guidance enables staff to be appropriately supported within a procedural framework that provides for best management practice.

1) Communication and engagement

In cases where an employee is unable to attend work for reasons related to ill health, contact will be made with the Academy Trust by the employee via agreed reporting procedures. An agreed checklist is available in the toolkit for line manager use which will ensure consistency throughout the Trust. Empathy and understanding is important to support individuals and early engagement in attendance issues, where appropriate, can result in positive solutions. An employee may be able to share planning resources that have already been prepared, subject to circumstance, at the initial onset of absence. Where an absence is due to mental health issues managers should consider sources of support, such as encouraging an employee to seek GP advice; an early referral to medical partners to identify support where diagnosis has been confirmed via GP fit note (ie Occupational Health); or using a stress risk assessment to aid return to work. A named colleague could also be a useful contact point to enable continued communication relating to workplace matters (formal contact will continue to be made by the manager). Regular and frequent communication between employer and employee throughout periods of absence is important for continued and transparent engagement and to promote employee well-being. Employees can seek advice from line managers and medical practitioners, as well as support from Professional Association or Trade Union representatives.

Please see Initial Absence and Early Engagement - [Reporting an absence, RTW meetings & Self certification form](#).

2) Attendance management procedure and associated meetings

Where an employee's sickness absence reaches the triggers outlined in the Attendance Management Policy and Procedure, the manager will meet with the employee to open discussions regarding the absence(s), monitor periods of absence and set targets for review periods, supporting the employee to attend work regularly.

Managers are directed towards the toolkit provided on the HR web pages of CYPS Info which provide a range of documents including templates for meeting notes and letters, as well as guidance notes ensuring managers are fully equipped to follow each stage of policy and procedure. Managers can access additional support via their NYHR Advisor at nyhr@northyorks.gov.uk or by telephone 01609 798343. The toolkit includes guidance documents that can be shared with employees to aid understanding and to facilitate discussion.

3) Medical advice and managing health in the workplace

a. Medical referral

Employees can be accompanied by a trade union representative/professional association or work colleague, the manager should establish the status of the person accompanying the employee before the start of the meeting.

A work colleague is allowed to accompany the employee unless there is a risk that the colleague may be compromised e.g. if he/she may be required to monitor or support the employee or give information about the employee's job performance. If this is the case the employee should be asked to find an alternative, suitable alternative colleague to accompany them.

A work colleague who supports an employee will be given paid time-off to undertake this duty.

Medical partners provide occupational health advice to managers supporting an employee in the workplace and provide advice during an employee's absence. This includes their professional opinion as to whether a return to work is likely or not, with reference to any associated timescales.

Situations for Managers to consider where medical referral may not be required:

- If the manager is able to discuss return to work with employees based on the information on the fit note.
- For personal or health issues that are not impacting on attendance or work performance.
- Where the manager suspects that the illness is not genuine and have sound evidence to prove so. In this case contact NYHR for advice.
- Where full recovery or return to work is likely in the imminent future.

Managers can also contact their HR Advisor to discuss employment related health matters, for example to discuss case circumstances and ensure appropriate support is considered, via email NYHR@northyorks.gov.uk or by telephone, 01609798343.

Details below are relevant to NYCC Occupational Health Services:

To refer your employee to occupational health, managers should complete and submit a referral form (Consultation Stage - [NYCC Occupational Health Referral Form](#) and [Guidance Document](#) – only applicable for NYCC Health and wellbeing services).

It is important to discuss the reasons for the referral with the employee and supply this information in the referral as the detailed content will be discussed with the employee at the occupational health appointment

b. Reasonable adjustments, disability and credited medical leave

There are often occasions where Managers need to consider reasonable adjustments relevant to the employee's role to facilitate a healthy and quick return to work. There are a number of considerations to be made and the guide to reasonable adjustments provides a succinct reference which is available in the toolkit: see HR pages on CYPs Info. Reasonable adjustments, either temporary or permanent, may include amendments to duties, hours of work or a range of other matters, subject to individual circumstances. An Academy Trust may allow for disability related sick leave as a reasonable adjustment. In this case, subject to the Trust's local agreement, it may be reasonable to discount a certain level of sickness absence for a disabled employee. Further, credited medical leave provides disabled employees with reasonable paid time off work for reasons related to their disability to attend appointments, to undergo treatment or rehabilitation, subject to the Trust's local agreement. Appointments that fall within credited medical leave can usually be planned in advance and agreement is usually for a fixed period of time. Examples include:

- Hospital and specialist appointments
- Hospital appointments as an outpatient
- Hearing aid tests
- Training with a guide or hearing dog
- Medically prescribed treatment appointments

This leave should only be granted where such appointments and treatments fall unavoidably on the employee's working time. For further guidance please see Consultation stage - [Guide to Reasonable Adjustments and Disability Related and Credited Medical Leave](#).

c. Return to work arrangements

A phased return may be helpful to support an employee return to work after a prolonged period of absence; this offers the employee an opportunity to gradually return to normal duties over an agreed period, normally no longer than four weeks, subject to medical advice and with an accompanying fit note. Consideration should be given to the nature of the illness, recovery time and the type of job occupied. To facilitate this discussion a 'phased return agreement' is helpful, confirming phased working hours/duties, leading to a return to full contractual hours and duties. A template is available within the toolkit – see Consultation Stage - [Prolonged Absence Return to Work Agreement Template](#). Discussion with the employee and their representative, where appropriate, will help to clarify arrangements and expectations, including confirmation of salary arrangements during this period, subject to the Academy Trust's local arrangements.

If the cause of the absence is work related stress, managers should refer to HSE recommended guidance on stress management (www.HSE.gov.uk) and take advice from NYHR. Prior to a return to work a stress risk assessment should be completed.

d. Medical redeployment and ill health retirement

Detailed advice is available within the toolkit on the HR pages of CYPS Info, covering medical redeployment considerations as well as details specific to the Local Government Pension Scheme (LGPS) and the Teachers' Pension scheme, outlining the required processes.

It should be noted that the decision in relation to ill health retirement is separate from any decision to dismiss an employee on grounds of ill health/capability. Please see Attendance Panel and Related Meetings Stage - [Guidance on Redeployment and Ill Health Retirement](#).

e. Further routes of support and available resources

Jobcentre Plus

Advice is available from local Jobcentre Plus offices that employ disability employment advisors, relating to current schemes in place to assist disabled employees, including financial assistance available to employers and specialist equipment to help accommodate the needs of disabled employees. Further information can be found at www.focusondisability.org.uk

Access to Work:

Access to Work provides advice and practical support to disabled people and their employers to help overcome work related obstacles resulting from disability. Through Jobcentre Plus, Access to Work may pay a grant towards extra employment costs resulting from disability. Where the employee has liaised with Access to Work, they should inform their manager of any outstanding costs associated with support so a decision can be taken as to whether it can be considered as a reasonable adjustment.

Fit for Work Service: This government initiative provides free and impartial advice to anyone looking for help with issues around health and work. The service is contactable via free line 0800 032 6235 or via their website, <https://fitforwork.org>

Health and Safety Executive: Guidance and a range of resources on stress management is available at www.hse.gov.uk/stress

NHS: The NHS Choices website is available for all which can provide information and help locate NHS services via www.nhs.uk

Public Health England also has a website specifically designed to support individuals with a range of tools and advice to aid health and well-being, available at www.nhs.uk/oneyou

Top Tips via HR pages, CYPS info: Available to support managing mental health and stress in the workplace, with links to resources including MIND, Macmillan, ACAS (Advisory, Conciliatory and Arbitration Service).

4. Attendance panel, formal meeting and appeals

a) Attendance panel

Managers are not obliged to keep an employee's post open indefinitely. Where there is no clear return to work date or the prognosis of a return to work is too long for the Academy Trust to sustain, it may be appropriate to begin the employment termination process. It is reasonable to start considering termination when an absence has reached three to four months, subject to circumstances. Guidance on attendance management panels and related outcomes (up to and including dismissal) is available in the toolkit on the HR web pages of CYPS Info (see Attendance Panel and Related Meetings Stage - [Attendance Panel Hearing & Appeals Guidance](#)), providing managers with information to ensure full preparation for attendance panel with reference to reasonable adjustments, redeployment, ill health retirement and any previous considerations made during the case history. Managers are advised to contact their NYHR Advisor for appropriate case discussion

b) Using a formal meeting instead of an attendance panel

When the process reaches the stage of a panel hearing, an employee can request that their dismissal be undertaken outside of that forum and addressed via a formal meeting. Managers are advised to contact their NYHR Advisor for appropriate case discussion.

Please see Attendance Panel and Related Meetings Stage:

- [Letter Agreeing to formal meeting](#)
- [Invitation Letter to formal meeting](#)

c) Appeal hearings

An employee has a right of appeal against the decision of the attendance panel and formal meeting, to terminate their employment. The appeal should be heard as soon as possible and where possible before the termination takes effect. Template letters are available in the toolkit for managers to support this process.

Please see Attendance Panel and Related Meetings Stage:

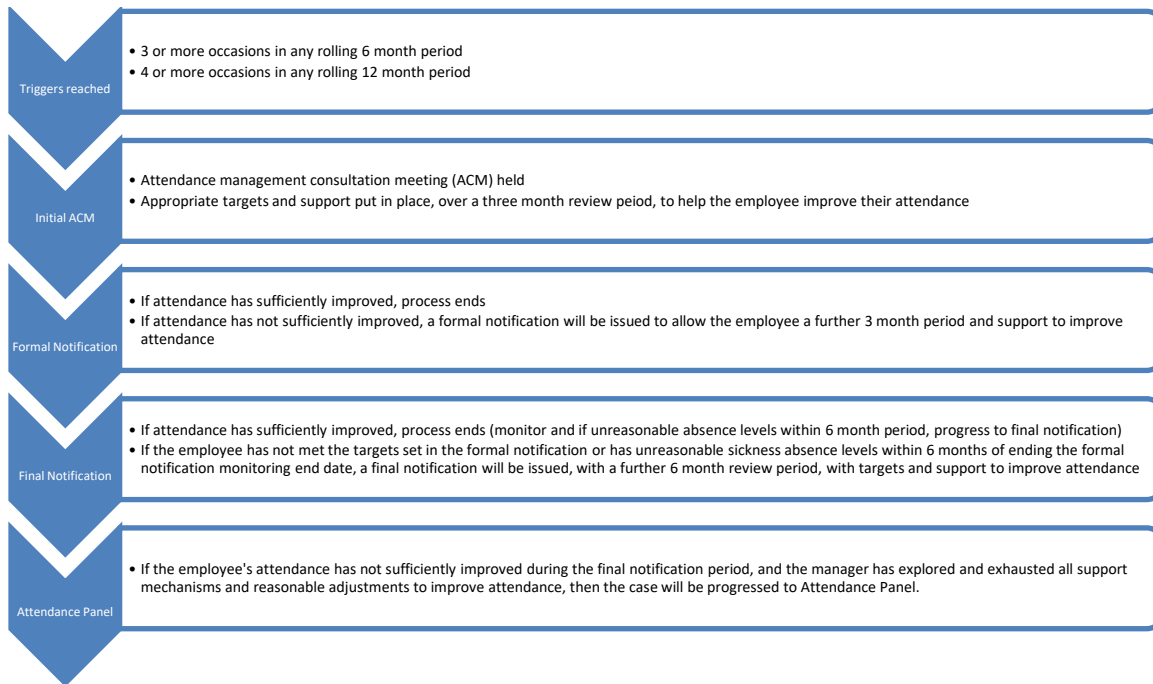
- [Invitation to Appeal Panel against Dismissal](#)
- [Outcome of Appeal Panel Against Dismissal](#)

5. Further Guidance

Occasionally there are situations which are more difficult to manage and which can lead to a break-down in communication. Common issues include when an employee refuses to engage, when someone other than the employee makes contact, when the employee is hospitalised, and where a difficult prognosis is involved. To support managers when addressing such issues a guidance document is available within the toolkit. All such situations require careful management and managers are advised to contact their NYHR Advisor for further advice where appropriate. Please see Initial Absence and Early Engagement - [Guide to Managing Difficult Situations](#).

6. Flowcharts

Intermittent sickness absence: Flowchart once triggers are reached



Process for single absence of four working weeks or more

