



# **ENERGY COAST UTC**

## **STAFF ATTENDANCE MANAGEMENT POLICY**

**2020-2023**

**Approved:** Full Governing Body

**Signed:** 

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## **Contents**

<b>Section 1 – Staff Attendance Management Policy</b>	<b>Pg.</b>
Introduction	4
Principles	4
Application	4
Roles and responsibilities	5
Definitions	5
Disability	6
Support for employees	6
Return to work meeting	7
Formal meetings and appeals	7
Termination of employment	7
Sickness pay entitlement	7
Statutory sick pay	8
Entitlement to sick leave and pay	8
Withholding occupational sickness pay	9
Sickness absence and annual leave	9
Absence arising from accident, violence or dangerous occurrences at work	10
Pregnancy related absence	10
Medical appointments	10
Failure to comply	10
<b>Section 2 – Staff Attendance Management Procedure</b>	
Leave of absence entitlement	11
Notification of absence	13
Certification	13
Return to work meeting	14
Standards of attendance	14
Stage 1: attendance support meeting (informal)	15
Managing short term absence	19
Stage 2: short term absence review meeting (formal)	16
Possible outcomes on stage 2	16
Stage 3: short term absence review meeting (formal)	17
Possible outcomes of stage 3	17
Appeal process	18
Managing long term absence	18
Stage 2: long term absence review meeting (formal)	18
Possible outcomes of stage 2	18
Stage 3: long term absence review meeting	19
Possible outcomes of stage 3	19
Appendix A: short term attendance management procedure	21
Appendix B: long term attendance management procedure	22
Appendix C: return to work meeting form	23
Appendix D: Stage 3 absence review meeting – suggested format	26
Appendix E: Guidance on ill health retirement procedure	27

## **1.0 Introduction**

The UTC recognises that, as part of its work to raise standards of education for children, it is essential that the highest possible levels of employee attendance be maintained.

Through a duty of care towards employees, the UTC recognises it's responsibility to monitor absence levels, identify areas of high absence rates where they occur and develop systems to minimise such absence. This will include maintaining high standards of health and safety; effective induction and training of employees; effective communications with employees; the provision of a reasonable working environment; access to agreed leave of absence arrangements and a fair attendance management procedure.

This policy and procedure is based upon identified good practice for managing attendance and reaffirms the UTC's commitment, where necessary, to improving levels of attendance. It will be ensured that attendance related problems are identified as soon as possible, managed with sensitivity and compassion and employees are provided with appropriate support where necessary. The UTC will fulfil its obligations to equality by approaching all sickness absence cases in a fair and consistent manner.

### **Principles**

All matters relating to attendance must be conducted in a fair and equitable manner, with consistent application of the attendance procedure. Issues of attendance management will be dealt with in a reasonable timeframe.

The UTC will try to resolve any attendance issues on an informal basis prior to taking formal action under the attendance procedure, however it is recognised that all situations will differ and therefore each individual circumstance will be assessed on a case by case basis.

Employees who are subject to this Attendance Management Policy or those taking part in the proceedings will, in accordance with this document, maintain confidentiality at all times during the process. Any breach of confidentiality may result in disciplinary action being taken.

It is expected that employees should be available for reasonable levels of communication inclusive of any meetings in accordance with this procedure throughout their period of absence. However, there may be times where alternative methods of communication may be more appropriate e.g. advice received from Occupational Health. In such instances the UTC will liaise with the employee/representative over suitable alternatives.

Employees who will be unavailable for 24 hours or more (e.g. leaving the country, a stay in hospital) should inform the UTC prior to the event and at the earliest opportunity.

Employees have the right to be accompanied at any stage of the attendance procedure by a recognised trade union/professional association representative or a work colleague.

## **3.0 Application**

This policy applies to all employees working at the UTC under a contract of employment or apprenticeship whether full time, part time, permanent or temporary. This policy does not apply to individuals based at the UTC under a contract for service/third party arrangements.

Where the Principal is the subject of concern regarding attendance management then this policy is the responsibility of the Chair of the Governing Body (or their designate), taking the role which otherwise would be performed by the Principal. The HR Business Partner will provide advice as appropriate.

#### **4.0 Roles and Responsibilities**

##### **4.1 The Governing Body**

The Governing Body is responsible for ensuring a strategic overview of this policy and procedure. As the employer the Governing Body has a 'duty of care' to look after, as far as possible, employees health, safety and welfare while at work.

##### **4.2 The Principal**

The Principal will be responsible for making decisions in line with this policy or commencing formal proceedings that may lead to termination of employment.

##### **4.3 Designated Person**

The Principal will assign specific duties in accordance with this policy and procedure to a 'designated person' within the UTC. This will be the Cover Manager. This 'designated person', will be responsible for the following;

- Logging all day 1 absences. All employees are responsible for reporting their absence on day 1 to the designated person.
- Processing and completion of all paperwork
- Collating reports and monitoring attendance data

##### **4.4 Line Manager**

The Line Manager is responsible for maintaining reasonable contact with staff throughout period of short term absence.

##### **4.5 Employees**

All employees have a responsibility to comply with the UTC's Staff Attendance Management Policy. Employees should inform the designated person or Line Manager if they are having difficulties with attendance.

Employees are expected to take reasonable care of their own health and safety, for example through relevant training, following the procedures of the UTC, use of protective equipment and the reporting of any accidents or potential hazards.

#### **5.0 Definitions**

##### **5.1 Short Term Absence**

A short term episode of sickness absence is defined as a single period away from the normal working environment due to illness for between 1 and 19 days.

## 5.2 Long Term Absence

A long term episode of sickness absence is defined as a single period away from the normal working environment due to illness for 20 or more days.

## 6.0 Disability

In accordance with the Equality Act 2010 the UTC will ensure that it complies with its duty to make reasonable adjustments where an aspect of working arrangements or premises places a disabled person at a disadvantage compared with other colleagues. The UTC will also seek support from its HR Business Partner to make reasonable adjustments and maintain employment through redeployment, wherever possible.

## 7.0 Support for Employees

To enable employees to return to work as quickly as possible it may be necessary in some circumstances to consider additional support for the employee.

### 7.1 Maintaining Contact

The UTC recognises that it is the responsibility of both the UTC and the employee to maintain contact during absence from work, particularly in cases of long-term sickness. To achieve this, contact may be made through telephone calls and meetings with a designated person and where necessary, meetings may take place at a neutral venue. The designated person will undertake responsibility for ensuring that reasonable levels of contact are maintained. All employees are expected to comply with the UTC's absence reporting procedures.

### 7.2 Occupational Health Referral

An Occupational Health referral can be considered appropriate at any time where it may assist in clarifying an employee's ability to undertake the duties of their job description. In addition it may also be considered where an employee has reached an attendance trigger point.

Attendance at Occupational Health appointments are voluntary, but the purpose of a referral is to provide the UTC with medical advice to try to support the employee. If an employee refuses to attend an Occupational Health referral appointment then any decisions relating to their employment would be made without the benefit of up to date medical advice.

If an employee fails to attend an Occupational Health appointment they have agreed to, the UTC will explore charging them for the appointment.

Where the UTC becomes aware that the absence of an employee may be stress related (via communication from the employee or a doctors "Fit Note") then a referral will be made to Occupational Health for assessment, with a view to assessing fitness to work and advising on support available to facilitate a successful return to work.

The purpose of an Occupational Health referral is to determine if there are any underlying factors which prevent regular attendance at work, identify when an employee will be fit to return to work together with any support and adjustments that could be considered for example counselling or physiotherapy.

The line manager will consult with the Principal, prior to a decision being taken to make a referral to Occupational Health. The Principal is responsible for all referrals initiated by the UTC. The employee should be advised of the referral and the rationale behind this decision.

### 7.3 Risk Assessments

Depending on the nature of the absence (i.e. stress related, muscular/skeletal, pregnancy) the line manager should refer to or carry out a risk assessment, where necessary and refer to the UTC's HR Business Partner for advice. This should be undertaken before the employee returns to work, where possible, so that any support/modifications identified can be considered and where possible implemented prior to the employees return.

It is noted that it is at the employer's discretion whether a proposed adjustment is reasonable and can be accommodated, noting the rationale for the decision.

### 8.0 Return to Work Meeting

It is recognised good practice to conduct a return to work meeting with employees after every sickness absence, regardless of the length of the absence. This should be carried out on the same day as the return to work by the employee's Line Manager wherever possible.

The purpose of this meeting will be primarily to discuss the reasons for the absence, attendance levels, identify any underlying causes for absence and, in turn, offer additional support to the employee as necessary. This information should be recorded in writing (a template return to work form is enclosed at appendix C) with a copy provided to the employee.

### 9.0 Formal Meetings and Appeals

The Principal, the UTC's Extended Leadership Team or members of the Governing Body will carry out their official duties at all formal meetings and appeals under this policy and in accordance with relevant statutory requirements. Advice will be sought from the appropriate service provider, such as Governor Services or the HR Business Partner as necessary, to ensure compliance with these requirements.

Employees will have the right to be represented by a work colleague or trade union/professional association representative during all meetings/appeals held within the formal stages of the procedure.

It is acknowledged that the attendance management process can be difficult for employees; all parties being involved in the process at any stage are required to act in accordance with the principles outlined within this document.

### 10.0 Termination of Employment

The UTC will consider termination of employment due to ill health only after reasonable adjustments and suitable available redeployment opportunities have been considered.

Where termination of employment on the grounds of ill health is being considered, the UTC will consult with its HR Business Partner prior to any decision to enter into a process of termination of contract. Such an eventuality would be dealt with in accordance with the attendance management procedure.

### 11.0 Sickness Pay Entitlement

#### 11.1 Statutory Sick Pay (SSP) for All Staff

Statutory Sick Pay (SSP) will be paid where appropriate in accordance with the legislation in existence at the time of the sickness absence.

## 11.2 Occupational Sickness Pay Entitlement

Occupational Sick Pay is the contractual entitlement to pay during periods of sickness absence and runs in parallel with Statutory Sick Pay.

## 12.0 Statutory Sick Pay

12.1 The UTC has an obligation to pay Statutory Sick Pay (SSP) on behalf of the Benefits Agency, to all employees who are eligible to receive it. This scheme explains regulations affecting entitlement to Occupational Sickness benefits and the effects of SSP upon these benefits.

## 13.0 Entitlement to Sick Leave and Pay

13.1 This scheme will apply to all employees of the UTC. The entitlement to occupational sick pay increases according to the length of the employee's continuous service (see 13.2 below). The date from which continuous service will be calculated is as stated in the employee's contract of employment.

13.2 Subject to the provisions of this scheme, employees will be entitled to the following periods of sick leave:

Period of Continuous Service	Sick Pay	
	Basic Salary	Half Basic Salary
Less than 6 months service	Nil	Nil
6 months – 2 years' service	1 month	1 month
2+ – 5 years' service	2 months	2 months
5+ years' service	3 months	3 months

*Note: For the purposes of calculating entitlement to Occupational Sick Pay, 'one month' is equivalent to 26 working days.*

13.3 For the purposes of this scheme, sick pay entitlement is based on service completed as at the **first** day of sickness. When determining payment for sickness, account is taken of all periods of sickness during the preceding 12 months as at the first day of sickness.

13.4 The UTC has the discretion to extend an employee's entitlement to paid sick leave (on either full or half pay) in exceptional circumstances. In exercising this discretion, the UTC will take into account the seriousness of the case, and the likely beneficial effect of such action in relieving anxiety and therefore speeding recovery.

13.5 Where employees are not eligible to receive their basic salary they will receive Statutory Sick Pay (SSP) after a 3 day waiting period i.e. after you have been absent from work for more than 3

consecutive normal working days. SSP can only be claimed for a maximum of 28 weeks for each period of illness.

13.6 If the employee is entitled to receive SSP, or is in receipt of any other allowances or benefits, these will be offset against any entitlement to full pay.

13.7 Where the employee is entitled to receive half pay, the total sum of pay plus SSP, if appropriate, and any other benefits or allowances, must not exceed full pay. If necessary, the half pay allowance will be reduced.

13.8 If a public holiday or an efficiency closure day occurs during a period of sick leave, the employee will continue to receive sick pay. However, no payment will be made for a public holiday which occurs during a period of unpaid sick leave.

13.9 Exceptional provisions apply to any employee who is injured as a result of a crime or violence in the course of their work for the UTC.

13.10 A period of absence due to injury sustained by the employee in the actual discharge of his/her duties, and which is not attributable of any fault of his/her own, will not be recorded for the purposes of this scheme.

#### **14.0 Withholding Occupational Sickness Pay**

Where an employee does not comply with the terms of this policy, the Principal, following consultation with the UTC's HR Business Partner, may determine that Occupational Sickness Pay is withheld. Situations where the UTC may withhold payments could include:

- Failure to follow the UTC's Staff Attendance Management Policy;
- Deliberate conduct prejudicial to recovery;
- The employee's own misconduct or unreasonable disregard for their health or safety;
- Failure to provide a valid Fit Note as required under the policy;

Where such action is determined this will be confirmed in writing to the employee by the Principal outlining the reason for this decision.

#### **15.0 Sickness Absence and Annual Leave**

Where cases of absence are prolonged and have the potential to cover more than one leave year the UTC will need to seek advice from its HR Business Partner on managing the impact on annual leave entitlement.

It is the responsibility of the Business Director monitor the employee's outstanding annual leave entitlement and, wherever possible, encourage the employee to take it in the leave year to which it applies.

If an employee's sickness absence spans more than one annual leave year and he/she is unable to take their statutory entitlement in the leave year to which it applies, the employee will be able to carry over any statutory annual leave they have not taken at the end of the leave year into the new leave year. The statutory minimum entitlement is 28 days per annum pro rata (which includes bank/public holidays).

## **16.0 Absences arising from Accidents, Violence or Dangerous Occurrences' at Work**

Where an employee within the UTC has an absence attributable to such eventualities, the UTC will ensure, via the Business Director the employee completes the incidents and accidents reporting.

## **17.0 Pregnancy Related Absence**

Pregnancy related sickness absence will not count towards sickness absence triggers under this procedure; however, such absence will still be recorded for the purposes of an employee's attendance record. Return to work meetings will be carried out in the normal way. If a pregnant employee suffers from an illness which is not pregnancy related, then this will count towards sickness absence triggers and will be dealt with in accordance with this procedure.

Where an employee is absent from work due to pregnancy related illness after the beginning of the fourth week before the expected week of childbirth, then maternity leave will start automatically.

## **18.0 Medical Appointments**

All employees should endeavour to make routine medical and dental appointments outside of their working hours, in their own time, wherever possible. For emergency appointments employees are required to inform the designated person and their Line Manager beforehand to enable cover to be arranged. Employees will be required to produce evidence of their appointment upon request by the Principal.

## **19.0 Failure to Comply**

Any employee who fails to comply with the UTC's Staff Attendance Management Policy and procedure or abuses the UTC's rules on sickness absence may be dealt with under the disciplinary procedure. Examples might be an employee whom it is believed reports sick as an alternative to annual leave, an employee who undertakes other paid employment during their contractual hours with the UTC whilst reporting as sick, an employee who has failed to attend an agreed Occupational Health appointment without just cause.

## Section 2 – Attendance Management Procedure

### 20.0 Leave of Absence Entitlement

REASON FOR SPECIAL LEAVE BEING GRANTED	Paid/Unpaid
Funeral of close relative in immediate family e.g. parents/siblings/grandparents/other close relative or person with whom there is a very close relationship	Paid
Funeral of friend	Unpaid
Serious illness of a close relative, parent or child	Paid – up to 5 ad hoc days.  If long term, needs agreement with the member of staff depending on individual circumstances and this may be referred to the Governing Body.
Compassionate Leave re: spouse, partner, child, siblings, grandparent or close relative or other close relative or person with whom there is a very close relationship	Paid – up to 5 days.  Any longer than this must be agreed with the member of staff depending on individual circumstances and this may be referred to the Governing Body. Factors to be taken into consideration : <ul style="list-style-type: none"> <li>• Closeness of the relationship;</li> <li>• Distance to be travelled to care for or to attend to the family;</li> <li>• Whether the employee is responsible for making arrangements as next of kin or executor.</li> </ul>
Terminal illness of a spouse, partner, child, sibling, grandparent or other close relative or person with whom there is a very close relationship	Paid – up to 5 days.  Any longer than this must be agreed with the member of staff depending on individual circumstances and this may be referred to the Governing Body. Factors to be taken into consideration : <ul style="list-style-type: none"> <li>• Closeness of the relationship;</li> <li>• Distance to be travelled to care for or to attend to the family.</li> </ul>
Hospital appointments – own <i>(proof of the appointment is necessary)</i>	Paid  These are granted on the condition that, where practical you attend school before and after your appointment. Monitored.
Attending a hospital appointment with partner or spouse or parent	Unpaid - determined on half or whole day. Monitored.
Attending a medical appointment with child	Paid Monitored
Emergency visit to doctor/dentist	Paid– 1 day in any 12 month period.

<i>(proof of the appointment is necessary)</i>	
Paternity leave	1 or 2 consecutive weeks' leave, as follows: <ul style="list-style-type: none"> <li>• 1 week at full pay</li> <li>• Second week at Statutory Paternity Pay</li> </ul>
Maternity leave	Statutory
Adoption Leave	Statutory
Parental Leave	Statutory
Children's illness	Paid – 1 day per term, to be used to make suitable arrangements for further care.  Any further days will be without pay with a limit to 5 days per academic year.
Own children's activities	Up to 3 hours can be taken with pay (2 per academic or rolling 12 months). This is only at the Principal's discretion, and where this does not impair the functioning of the school; and when is arranged in good time.
Marriage – friend/relative  Marriage - own	Unpaid – 1 working day where the ceremony does not take place at a weekend. Unpaid - 1 working day where the ceremony does not take place at a weekend plus 1 working day immediately prior to the wedding.
Moving house	Paid – 1 day in any 12-month period
Exams /training/ graduation related to the job	Paid
Job Interviews	Paid – up to 3 per academic year
Religious observance	Unpaid – 1 per academic year
Ante-natal classes – both sexes	Paid
Jury Service (application to the court may release you from these duties)	Unpaid – Employees should claim for loss of earnings and produce evidence as to the amount received from the court, as this will be deducted from salary
University graduation of child	Paid
Domestic problems or serious domestic emergencies, i.e. situations which must be resolved immediately, such as burglary, fire, flood, storm etc. – those situations which pose a risk to the employee's home if not resolved immediately	Paid (up to 1 day) in certain situations. If longer, then unpaid.
Domestic situation miscellaneous e.g. routine breakdown of household appliance or boiler.	Unpaid
Inset days	Staff who are not expected to work inset days and do work, may receive a day off in lieu, due to prior agreement from the Principal.
Personal day	Paid– a form must be completed (obtainable from the Office Manager) and return for the Principal's approval, 4 weeks in advance to date requested.

## 21.0 Notification of Absence

Staff should notify the UTC of any ill health absence as soon as they know that it is going to happen.

- On every day of absence the member of staff must contact both the designated person (the Cover Manager) and their line manager on 07827 398271 by 7:15am. Emails to the Cover Manager or messages left on the college answer phone are not appropriate ways to report sickness absence.
- Unless there are extenuating circumstances, e.g. hospitalisation, it is the responsibility of the member of staff themselves to notify UTC of their absence, in most cases, it will not be appropriate for a relative or friend to call, nor should a message be left or given via a colleague. During this call, please say:

1. When the absence started.
2. The reason for absence.
3. If UTC can do anything to help.
4. How long they think they'll be off, if known.
5. The expected date of return, if known.
6. Whether they will need to visit the doctor.
7. Whether the absence is work related.

- A confidential record of the conversation will be kept. The reason for absence will not be shared and will remain confidential.
- If the line manager and cover manager do not receive the notification, the designated person will follow up with a call to establish the wellbeing of the member of staff.

Daily contact should be made with the UTC by 3.00pm if the length of absence is **not** known. This will update UTC on the situation and allow cover arrangements to be put in place. If the call concerns medical information, the Principal, Vice Principal or designated person should be spoken to, if the call is to notify return to work or continuing absence, this information can be given to the UTC's Cover Manager who will ensure the leadership team is made aware.

It is the responsibility of the member of staff to keep the UTC fully informed of the situation. Where the employee is aware of the likely duration they will make contact on the third day of absence.

Members of staff absent on sick leave should be available for contact during a period of absence and they should not unreasonably resist or refuse attempts at communication.

If a member of staff is aware that they are going to be absent for planned surgery or medical treatment, it is vital that they let the Principal know as soon as possible that this is the case, even if the waiting time seems long. Dates, when known should be shared as soon as possible, this allows for planning for the effective running of the UTC to take place.

## 22.0 Certification

Employees must give their employer a doctor's Fit Note (previously called a 'sick note') if they're off sick for more than 7 days in a row (including non-working days). This should then be forwarded to the designated person at the UTC as a matter of urgency. This should be no later than 2 working days following the 8<sup>th</sup> day of absence, or no later than 2 working days following the expiry of subsequent medical certificates where this is applicable.

Where no acceptable reason is given for medical certificates not being forwarded within the timeframe above or the employee refuses to enter into a dialogue regarding their sickness, then the absence may be classed as unauthorised. In this situation the Principal has the discretion within this Policy to

instigate appropriate action, including withholding sickness pay entitlements. The Principal will seek further advice from the UTC's HR Business Partner prior to withholding such payments.

The Principal may wish to require an employee to submit a medical certificate in respect of all sickness absences, including those of less than 8 days. This discretion may come into force where an employee has a significant amount of recurring short-term sickness absence, which cannot be attributed to an underlying cause, or where an employee has repeatedly failed to follow notification or certification procedures. When this requirement to submit a medical certificate is exercised the UTC will reimburse the cost of providing a medical certificate to the employee.

Employees who wish to return to work whilst still under medical certification can only do so if their GP confirms that they are fit to return to work.

### **23.0 Return to Work Meeting**

Upon return a Return to Work meeting will take place between the employee and their Line Manager.

The purpose of the Return to Work meeting is as follows;

- To discuss the employee's fitness to return to work;
- To allow the Line Manager to express an interest in the employee's welfare and give the employee the opportunity to raise any health, welfare or work related problems they may be having;
- To enable advice and support to be offered;
- To discuss the employee's attendance record.

The Line Manager should arrange for this to be carried out on the same day as the return to work wherever possible. The Line Manager should complete the Return to Work Meeting Form (attached as appendix C) and ensure that this is recorded.

### **24.0 Standards of Attendance**

The UTC recognises the importance of managing sickness absence (both short and long term) effectively and consistently through accurate measuring, reporting and monitoring. The UTC has approved the following triggers for managing absence within this procedure. The issue is not whether the absence is genuine but that poor attendance causes problems and disruption within the UTC.

The 'triggers' will normally operate under the following circumstances:

- Sickness absence of 6 or more working days in any 12 month rolling period, accrued over 3 periods of absence or more;
- Two periods of sickness absence lasting 4 or more days in any 12 month rolling period;
- Any levels of absence which show a trend or pattern e.g. Friday – Monday absences, monthly dates (e.g. last Friday in every month) and any other notable dates.

Please note these triggers apply to a 12 month rolling period starting from the first day of the most recent absence.

Depending upon the seriousness of the attendance issue, the outcome of any Occupational Health referral, and after obtaining advice from the HR Business Partner a decision may be made to hold an informal Attendance Support Meeting.

## **25.0 Stage 1 Attendance Support Meeting (Informal)**

Where an employee reaches one of the above trigger points or fails to follow the reporting procedures then a decision may be made to hold an informal 'Attendance Support Meeting'. This will be conducted by either the employee's Line Manager or a member of the UTC's Extended Leadership Team, the purpose of which is as follows;

- To discuss absences and any problems or underlying issues;
- To determine whether the causes of absence are work related;
- To discuss any medical advice that is available;
- To ascertain whether additional support or reasonable adjustments are required;
- To consider if it is necessary to refer the employee to Occupational Health.

Depending upon the outcome of the meeting an action plan may be required, outlining support to the employee in reducing their absence levels, as well as options available to the UTC where such a plan is not successful.

### **25.1 Action Plan**

Where an action plan is an outcome of this informal meeting it will cover a minimum period of 12 weeks and up to 6 months. The action plan should contain supportive measures and targets designed to enable the employee to improve and sustain attendance levels or in cases of long term absence, return to work and sustain attendance. The action plan should be monitored by the Principal/Line Manager, reviewed on a regular basis and may be extended.

In addition to referencing support for the employee, the action plan should also indicate expected attendance requirements. In reviewing the success of the plan the following should be taken into account:

- For short term absences, where there is no on-going medical condition identified by Occupational Health, there will be an expectation that employees will be available for work at all times throughout the period of the action plan;
- For short term absences, where a medical condition has been confirmed by Occupational Health as having an impact upon attendance this will be taken into account in developing the plan;
- For long term absence, the plan should include an expectation of a full return to work within the foreseeable future (this would normally be within 3 months).

Where absence occurs during the period of the action plan consideration will be given to moving into the formal stage of this procedure and a rationale for this decision shared with the employee.

If the action plan is completed successfully then absences will revert to being monitored through the usual Return to Work process. Where an employee has an absence within 4 weeks of completing their informal action plan, the line manager will consider the nature of the absence and determine if it is appropriate to revisit the informal action plan or move to the formal procedure if deemed necessary.

The UTC recognises the need to be proactive in supporting staff welfare in relation to sickness. The Attendance Support Meeting and action plan are intended to be helpful and supportive and to identify ways of reducing sickness absence and sustaining attendance at work. It is hoped that most absence issues can be resolved speedily and effectively at this informal stage.

## **26.0 Managing Short Term Absence**

Where the informal stage has not achieved its primary objective of improving attendance, or in cases where it is felt that the matter is too serious to be dealt with informally, the formal procedure will be used. Where there is an intention to move into the formal stage a referral to Occupational Health will be made in consultation with the employee, if this has not already taken place.

### **26.1 Stage 2: Short Term Absence Review Meeting (Formal)**

The employee will be invited to attend a formal Stage 2 Absence Review Meeting. The invite letter will outline the causes of concern. The employee may be represented at this meeting by a recognised trade union/professional association representative or a work colleague of their choice. The meeting will be chaired by the Principal, their Line Manager or a member of the UTC's Extended Leadership Team with support from the UTC's HR Business Partner. The purpose of the meeting is as follows;

- To confirm any medical condition and any up to date medical advice/opinions from relevant agencies i.e. Occupational Health/GP related to the short term absence;
- Indicate the Principal or chair's concern about the employee's level of attendance;
- A review of the Return to Work meetings and any informal action plan where available should be discussed;
- Try to establish the cause of the absence including frequency/pattern of the absences;
- Try to identify whether there are any environmental, external factors or underlying issues possibly contributing to the absences and if so what action could be taken to remedy the situation;
- Explore any other alternative possible solutions;
- Provide an opportunity for the employee to respond and comment.

### **26.2 Possible Outcomes of Stage 2**

There are a number of possible outcomes of the meeting including, but not limited to the following:

- To extend the review period of any action plan;
- To amend the action plan;
- To consider adaptations to working practices/conditions/working patterns;
- To consider the use of special leave and unpaid leave arrangements;
- Consider a temporary or permanent reduction in hours/duties;;
- To consider temporary redeployment;
- To issue a formal Written Attendance Improvement Notice which will remain live for up to 18 months. This will instigate a formal action plan and a review period covering the length of the improvement notice, during which improved attendance is expected from the employee;
- To consider a combination of the above.

The outcome of the meeting must be confirmed to the employee in writing within 5 working days. Where a formal Written 'Attendance Improvement Notice has been issued the employee will be notified of their right to appeal. If the employee wishes to appeal they must put this in writing,

addressed to the Clerk to Governors within 5 working days of receipt of the outcome letter (see 26.5 Appeal Process).

The formal action plan should be monitored regularly. Where an employee completes the formal action plan successfully then they will be notified that no further formal action will be taken; their attendance will be reviewed through the usual Return to Work Meetings. However, the Principal or chair of the initial meeting will have discretion to revisit Stage 2 or move to Stage 3 of this procedure where an employee has any further sickness absence within 12 working weeks of completing their formal action plan.

The full review period does not have to be completed if it becomes apparent that the employee is unable to reach the targets within the action plan. The options available to the Principal or chair of the initial meeting will then be:

- (a) put in place a further period of review, and/or;
- (b) further amend the action plan;
- (c) move to stage 3 of the process (see below).

### **26.3 Stage 3: Short Term Absence Review Meeting (Formal)**

The employee will be invited to attend a formal Stage 3 Absence Review Meeting with a panel consisting of two or more members of the Governing Body. The employee may be represented at this meeting by a recognised trade union/professional association representative or a work colleague of their choice. The Principal or chair of the initial meeting will also be in attendance to present the management case as well as the HR Business Partner. The purpose of the meeting is as follows;

- To review the employee's attendance record;
- To review details of previous meetings held;
- To review support provided;
- To consider the prospect of an improvement in attendance;
- To consider any medical evidence including any recent opinion from the Occupational Health Unit;
- Any relevant mitigating information from the employee and/or their representative.

### **26.4 Possible Outcomes of Stage 3**

Possible outcomes would include all options as outlined at Stage 2. In addition, if it is felt that there are new mitigating circumstances and there is a good reason why these have not been raised by the employee at an earlier stage, then consideration may be given to extending the formal review period and/or amending any action plan.

If no new mitigating circumstances are presented and the panel has fully considered the employee's length of service, attendance, the effect of their absences on the UTC and possible redeployment within the UTC, the employee's contract may be terminated.

The outcome of the meeting must be confirmed to the employee in writing within 5 working days. Where the outcome is either an extension of a formal review period or dismissal then the employee will be notified of their right to appeal. If the employee wishes to appeal they must put this in writing, addressed to the Clerk to Governors within 5 working days of receipt of the outcome letter.

## **26.5 Appeal Process**

The role of the Clerk to Governors is to organise and coordinate the appeal. The appeal will be dealt with impartially by three members of the governing body who, wherever possible, have not been previously involved in the case. Appeals can be made where a formal Written Attendance Improvement Notice has been issued or where the outcome of the Stage 3 meeting was dismissal.

At least 10 working days' written notice will be given and the notification will give details of the time and place of the appeal meeting. The employee may be represented at this meeting by a recognised trade union/professional association representative or a work colleague of their choice.

Options for the Appeal Panel to consider as an outcome arising from an appeal are as follows:

- Take no further action – original outcome from previous stage stands.
- After thoroughly exploring the issues raised at the previous stage meeting the Panel believe it is appropriate to change the previous decision.

The employee will be informed in writing of the outcome of the appeal hearing as soon as possible (within 5 working days). The decision of the appeal panel is final.

## **27.0 Managing Long Term Absence**

In cases where the absence is recognised as likely to be long-term from the outset due to recuperation from a serious illness, accident or surgical procedure, but where medical evidence can confidently provide an expected return to work within a reasonable timeframe, then an informal stage 1 attendance support meeting should take place prior to consideration of the formal long term procedure.

Where the informal stage has not achieved its objective, or in cases where it is felt that the matter is too serious to be dealt with informally, the formal procedure may be used. Where there is an intention to move into the formal stage a referral to Occupational Health in consultation with the employee will be made, if this has not already taken place.

### **27.1 Stage 2: Long Term Absence Review Meeting (Formal)**

The employee will be invited to attend a formal Stage 2 Long Term Absence Review Meeting. The employee may be represented at this meeting by a recognised trade union/professional association representative or a work colleague of their choice. The meeting will be chaired by the Principal or other designated person with support from the HR Business Partner. The purpose of the meeting is as follows;

- To discuss the nature of the medical condition and any up to date medical advice/opinions from appropriate agencies i.e. Occupational Health/GP;
- To review details of previous meetings held;
- To discuss the prospect of a return to work in the foreseeable future;
- To discuss support or assistance which could be offered;
- To establish if the condition is work related;
- To establish if reasonable adjustments could be made to support a return to work;
- To explore the option of redeployment within the UTC if possible.

### **27.2 Possible Outcomes of Stage 2**

There are a number of possible outcomes of the meeting including, but not limited to the following:

- A return to work on a specified date which is supported by medical advice;
- A return to work on an unspecified date following a period of recuperation. Contact should be maintained and recovery progress reviewed regularly. Further meetings may be required;
- A phased return to work on amended duties and/or reduced hours for a period of up to four weeks. The aim is that the employee will return to their full hours following this phasing in period. The phased return should be monitored and reviewed regularly during the initial timescales set, with consideration given in exceptional circumstances to extending the period of amended duties past the four week period;
- A return to work but redeployed in suitable alternative employment on a temporary or permanent basis where such employment can be identified;
- Consideration given to supporting the employee in making an application for Ill Health Early Retirement;
- Consideration given to moving to Stage 3 of the procedure where Ill Health Dismissal may occur.

The outcome of the meeting must be confirmed to the employee in writing within 5 working days.

If there is insufficient evidence to confirm that the employee is permanently unfit for work, or unfit for the foreseeable future, then the Principal should complete an assessment report regarding the impact of the employee's continuing absence and how much longer it can be endured in the UTC. This should be completed prior to proceeding to Stage 3.

### **27.3 Stage 3: Long Term Absence Review Meeting**

In the event of the employee being unable to return to work in any capacity within the next 3 month period or failing to satisfactorily complete a supported/phased return to work they will be invited to attend a Stage 3 Long Term Absence Review Meeting where dismissal may be a possible outcome. This option will be explored only as a last resort. Any decision to begin dismissal procedures on health grounds will be undertaken by the Principal or designated person following advice from the UTC's HR Business Partner.

The employee will be invited to attend a formal Stage 3 Long Term Absence Review Meeting with a panel consisting of two or more members of the Governing Body. The employee may be represented at this meeting by a recognised trade union/professional association representative or a work colleague of their choice. The Principal or designated person will also be in attendance to present the management case as well as a representative from HR. The purpose of the meeting is as follows;

- To review the employee's attendance record;
- To review details of previous meetings held;
- To consider the medical evidence including the most recent opinion from the Occupational Health Unit;
- To review support provided;
- To review the Principal or designated person's assessment report (where required);
- Any relevant mitigating information from the employee and/or their representative inclusive of consideration being given to making an application for Ill Health Early Retirement.

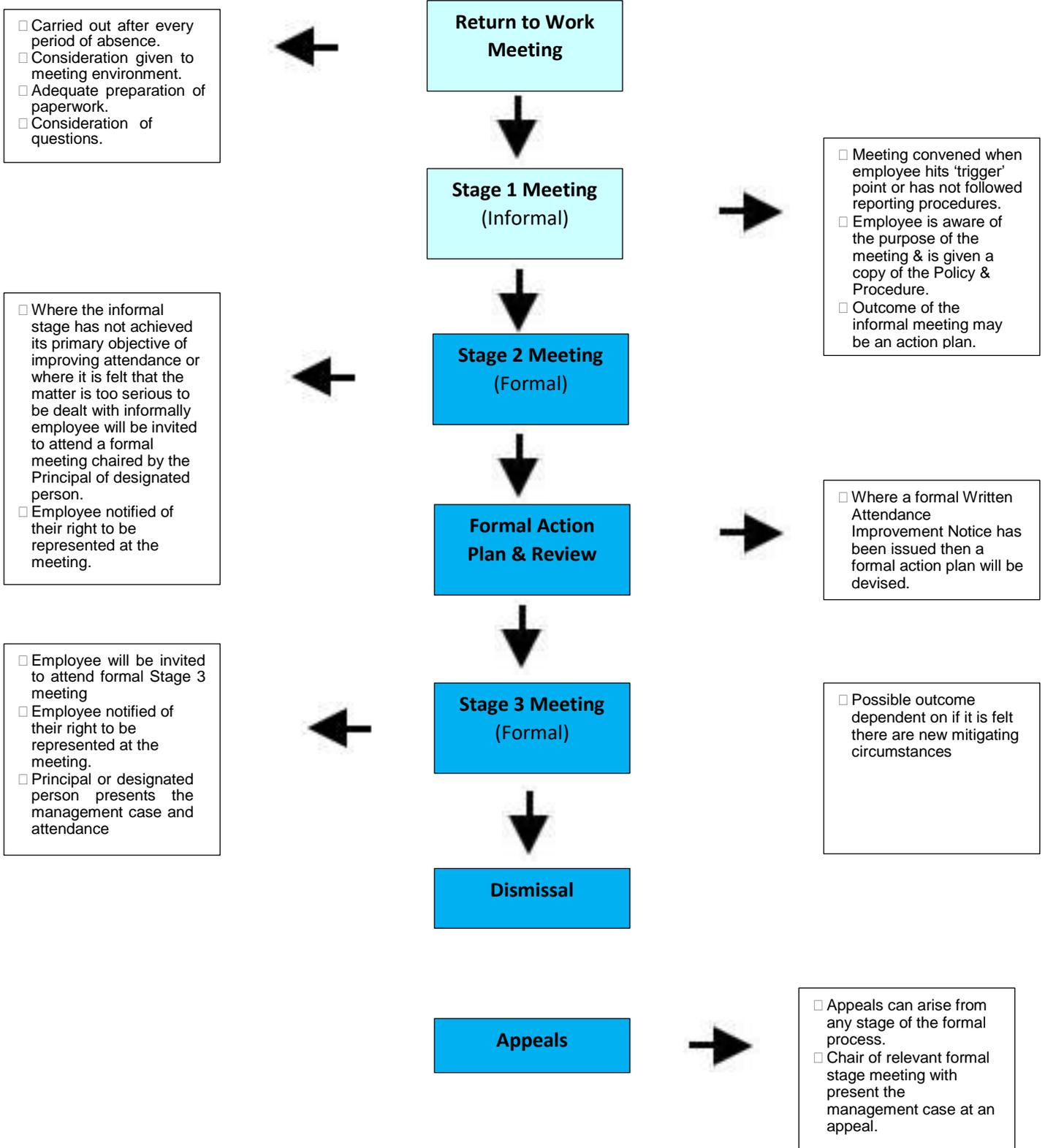
### **27.4 Possible Outcomes of Stage 3**

Possible outcomes of a Stage 3 meeting would include all of the options as outlined at the Stage 2 meeting. In addition, where the panel has fully considered the employee's length of service,

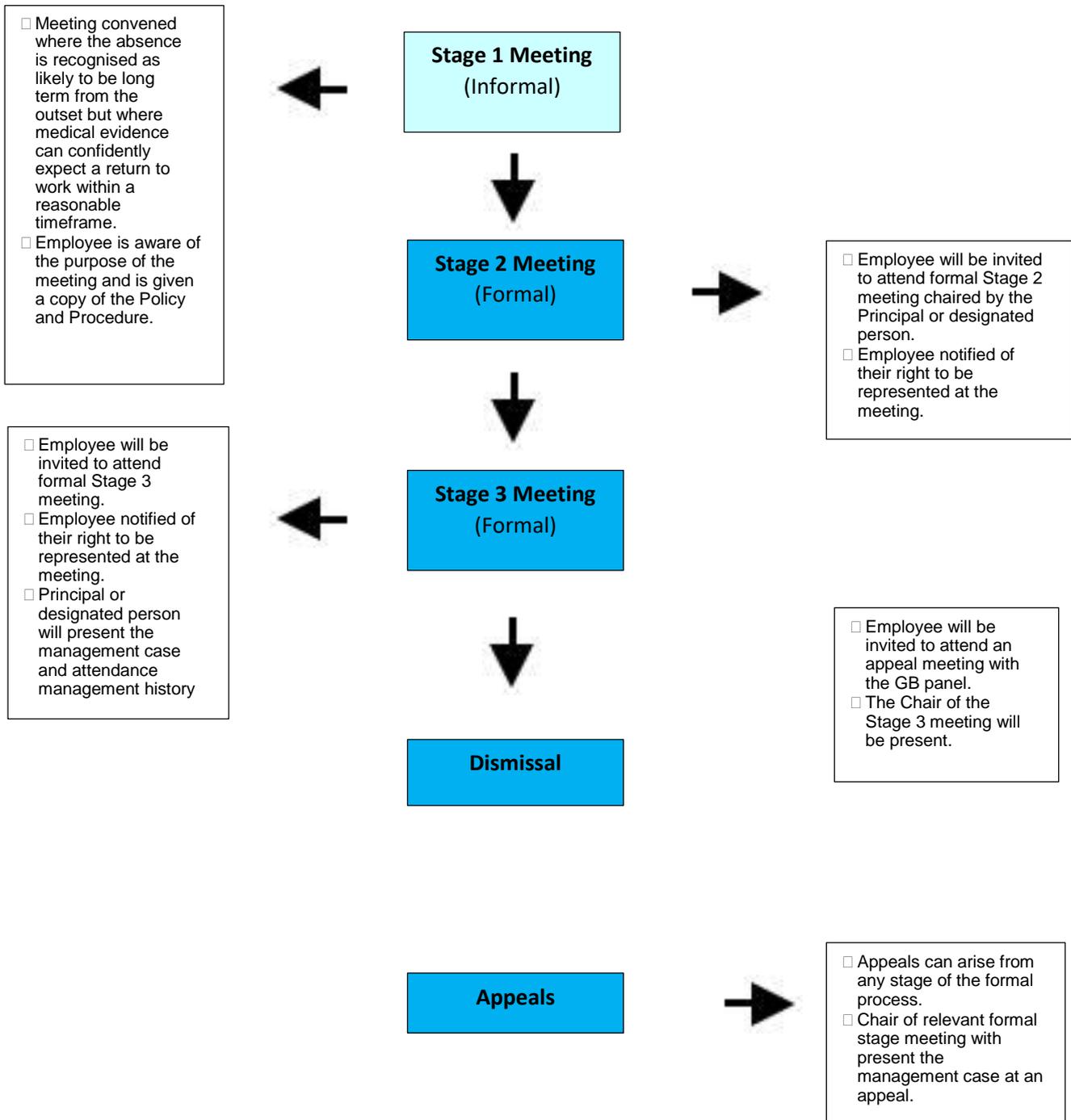
attendance record, medical evidence, the effect of their absence(s) on the UTC and possible redeployment within the UTC, the employee's contract may be terminated.

The outcome of the meeting must be confirmed to the employee in writing within 5 working days and where dismissal is the outcome the employee will be notified of the right to appeal. If the employee wishes to appeal they must put this in writing, addressed to the Clerk to Governors within 5 working days of receipt of the outcome letter (see 26.5 Appeal Process).

## Appendix A: Short Term Attendance Management Procedure



## Appendix B: Long Term Attendance Management Procedure



**Appendix C: Return to Work Meeting Form**

**STAFF CONFIDENTIAL**

**NOTIFICATION OF SICKNESS ABSENCE**

**SELF-CERTIFIED SICK FORM**

**Part A (To be completed by Office Manager)**

Name of employee: \_\_\_\_\_

Department: \_\_\_\_\_

Absent from (date): \_\_\_\_\_

Absence reason given: \_\_\_\_\_

Injury at work: Yes / No (please delete as appropriate)

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Part B (To be completed by employee on return)**

I wish the period of absence detailed below to be treated as self-certified sick leave.

First day of absence: \_\_\_\_\_

Last day of absence: \_\_\_\_\_

Nature of illness: \_\_\_\_\_

\_\_\_\_\_

Did the period of absence result from an injury at work or a related illness?	YES/NO
If the absence resulted from an injury at work, please confirm whether it has been reported in the departmental accident book.	YES/NO
Please confirm whether the department has been informed of this absence.	YES/NO
I understand that I must provide a medical certificate from the Doctor from the 8 <sup>th</sup> calendar day of a continuous period of absence.	YES/NO

Signature (employee): \_\_\_\_\_ Date: \_\_\_\_\_

**PLEASE TAKE THIS FORM TO YOUR LINE MANAGER IN ORDER FOR THEM TO COMPLETE SECTION C (RETURN TO WORK)**

**Explanatory Notes**

- For absences of less than 7 days, the employee should complete Part B before returning the fully completed form to the Line Manager.
- The Line Manager will carry out a 'return to work' (RTW) meeting with the employee and complete Part C – the RTW form, which should be returned to the Office Manager within 5 days.
- It is important in the case of longer term absences that medical certificates/fit notes are forwarded to the Office Manager as soon as they are received.
- If the absence is due to an injury/accident sustained whilst at work, please inform the Office Manager immediately.

**STAFF CONFIDENTIAL**

**RETURN TO WORK**

**PART C**

**(TO BE COMPLETED WITHIN 5 DAYS OF EMPLOYEE RETURNING TO WORK)**

<b>Employee Name:</b>		
<b>Dates of Absence:</b>	From:	To:

**1. Purpose of the Meeting**

- To welcome the employee back to work and check on their well-being;
- To find out about the absence and whether there are any implications for their role;
- To brief them in on any news or events that have happened in their absence

**2. Examples of appropriate questions\***

*(Please tick to indicate the questions which were asked)*

a) Do you feel fully fit to return to work?	
b) How did your illness prevent you from attending work?	

c) Have you seen your Doctor about the problem? (If yes, note action/medication)	
d) Is the problem likely to be ongoing or re-occur?	
e) Is there a problem at work or home that may be affecting your health?	
f) Is there a particular problem that is affecting your attendance?	
g) Is there anything we can do to improve your attendance?	
h) Is there a part of the job that you currently feel unable to manage?	
i) Would you like further guidance from the Office Manager or Occupational Health?	
j) Would it help to re-prioritise your workload over the next few days?	

*\*These are general questions that may be asked depending on the absence length and reason. They are not an exhaustive list.*

<b>Notes:</b> <i>(continue on a separate sheet if required: Ensure any action plans are included)</i>

<b>3. Outcome of meeting:</b> <i>(please discuss chosen action with employee before ticking the appropriate box)</i>			
Formal attendance review meeting		Further work review meeting	
Line manager to seek advice e.g. Phased return/action plan or Risk Assessment		Referral to occupational health	
Currently under occupational health		No actions required at this time	

<b>4. Signed:</b>	
Line Manager:	Date:
Employee	Date:

Forms and any certificates should be returned to Office Manager in a sealed envelope marked "Confidential".

**If you have any queries please contact the Office Manager.**

## **Appendix D - Stage 3 Absence Review Meeting – Suggested Format**

Introduction

School's Presentation of Management Case

Any Questions from all parties on Management Case

Presentation of Employee's Case/Submission

Any Questions from all parties on Employee's Case/Submission

School's opportunity for Summing Up

Employee's opportunity for Summing Up

Adjournment for Panel to consider all information presented

Meeting reconvened and decision delivered and right of appeal outlined

## **Appendix E – Guidance on ill health retirement procedure – support staff**

1. If Occupational Health advises that an employee is either:
  - a. Permanently unfit for their contracted role;
  - b. Unfit for the foreseeable future for their contracted role;
  - c. Likely to continue to have very high levels of sickness absence due to an underlying health condition
2. Principal or designated person should check whether the employee is a member of the Local Government Pension Scheme (LGPS).

### *Employee is not member of the LGPS*

3. If the employee is not a member of the LGPS the Principal or designated person should consider and discuss other employment options with the employee, for example; any other roles that maybe reasonably considered as an alternative.

### *Employee is a member of the LGPS*

4. If the employee is a member of the LGPS the Principal or designated person should refer the employee to the Independent Medical Examiner (IME) via Occupational Health for consideration of ill health retirement i.e. early release of their pension. Please ensure that appropriate advice is taken from UTC's HR Business Partner.
5. When a response is received from the IME, The Principal or designated person should consider the information and determine whether the pension can be released, taking into account the advice regarding the appropriate Pension Regulations and discussions with the HR Business Partner.
6. The employee should be invited to a Stage 3 Formal Meeting in line with section 27.3 of this procedure, where the panel will consider termination of employment on the grounds of ill health, and confirmation of ill health retirement if agreed/appropriate.
7. The outcome of this meeting will be recorded and confirmed in writing to the employee. This letter will explain the right of appeal against the decision to terminate their employment as outlined in section 26.1 of this procedure.
8. Employee's will also be advised in writing about the right to appeal against any decision regarding their pension under the Internal Disputes Resolution Procedure (IDRP). It is important that the Principal or designated person (who has delegated responsibility to make this determination, following the appropriate regulations) fully considers all of the information available and is satisfied that the IME has had access to sufficient enough information in order to make an appropriate determination.
9. There are different levels of benefit based on how likely the employee is to be capable of obtaining gainful employment after he or she leaves the organisation.

10. The different levels of benefit are:

- a) **If the employee has no reasonable prospect of being capable of obtaining gainful employment before age 65**, ill health benefits are based on the membership the employee would have had if he or she had stayed in the Scheme until age 65.
- b) **If the employee is unlikely to be capable of obtaining gainful employment within 3 years of leaving**, but may be capable of doing so before 65 then ill health benefits are based on the employee's membership built up to leaving plus 25% of the employee's prospective membership from leaving to age 65.
- c) **If the employee is likely to be capable of obtaining gainful employment within 3 years of leaving**, ill health benefits are based on the employee's membership at leaving. Payment of these benefits will be stopped after 3 years, or earlier if he or she is in gainful employment or become capable of undertaking such employment.

**Note:** Gainful employment means paid employment for not less than 30 hours in each week for a period of not less than 12 months.

11. If the employee appeals against the pension decision the IDRPs should be followed. The IDRPs are a three-stage process beginning with an internal reconsideration. Employees wishing to appeal must do so within six months of the date of the notification of the decision or the act or omission about which he or she is complaining about.

12. For further information on release of pension on the grounds of ill health please contact the Local Government Pension Scheme (<http://www.lgps.org.uk>).

13. In order for pension to be released the employee still needs to be dismissed from their paid employment. The process for their dismissal should follow the procedure set out in this policy, at section 22.3 Stage 3: Long Term Absence Review Meeting.

14. Once they have been dismissed for the reason of 'Ill Health' their pension certificates should be passed to the appropriate departments, and their dismissal communicated in the appropriate manner, with a right of appeal.

### **Teachers affected by ill health**

1. If Occupational Health advises that an employee is either:

- a) Permanently unfit for their contracted role;
- b) Unfit for the foreseeable future for their contracted role;
- c) Likely to continue to have very high levels of sickness absence due to an underlying health condition.

2. These are the next steps:

The Principal or designated person should refer the employee to the Independent Medical Examiner (IME) via Occupational Health for consideration of ill health retirement i.e. early release of their pension. Please ensure that appropriate advice is taken from UTC's Business Partner.

If a teacher is under normal retirement age and applies for ill health benefits, both the application form (see Teachers' Pensions website) and medical evidence form should be completed and returned to Teachers' Pensions.

It is important to make sure the declaration on the application form has been signed and dated by the applicant and that the certification has been completed correctly. Otherwise the application will be invalid.

Applications and supporting medical evidence will be considered by Medical Advisors appointed by the Secretary of State and the final decision will be made by Teachers' Pensions.

3. There are two different levels of ill health benefits that can be awarded:

#### **Accrued Benefits**

- These are awarded if the teacher is assessed as being permanently unable to teach but can do other work. With Accrued Benefits a teacher's service won't be enhanced.

#### **Enhanced Benefits**

- These are awarded if the teacher is assessed as being unable to undertake any type of gainful employment.

4. A teacher must apply for enhanced benefits within six months of either leaving pensionable employment, or ceasing the payment of 'Combined contributions' to be eligible.

**If they've been on a period of sick leave**, maternity, paternity, parental or adoption leave, or a career break which immediately followed a period of pensionable employment, the application must be made **before the sick leave or period of absence ends**.

If the teacher doesn't apply for ill health benefits within these timescales, an application for ill health benefits can still be made, but the deferred teacher has to meet the enhanced benefit criteria of not being able to undertake any gainful employment. In this case, the service used will not be enhanced (i.e. Accrued Benefits will be paid).

5. Teachers who are barred

Teachers who are barred for misconduct or are under investigation by the DfE with a view to barring may not be awarded benefits. However, if after an investigation they are not barred, then an application will be considered.

6. Other criteria to consider

The teacher must not have applied for phased retirement, premature retirement or actuarially adjusted benefits in respect of the same period of employment. However, if any of these have been awarded in respect of an earlier period of service, and a teacher who has subsequently taken up further pensionable teaching employment later suffers a breakdown in health, the teacher can apply for ill health benefits for the later period of service. In all circumstances the teacher must have completed the appropriate retirement qualification periods.

7. Notification

Both UTC and the teacher will be told in writing whether or not an application is accepted.

There are two ways to deal with this:

- If the application has been accepted, and the teacher is still actively teaching UTC must arrange for this to cease immediately. UTC must provide TPS with details of the teacher's pensionable service and salary from the date of their last annual return to the last day of pensionable service.

- If the application has been rejected, the teacher has the right to appeal and should follow the appeal process. Details of this will be sent to the teacher with the rejection letter.

## 8. Other Information

**Life Commutation** – If a teacher is terminally ill they may request that the retirement pension be converted to a lump sum payment. This is equal to five times the annual pension. Where an application is received and there is confirmation that a teacher has a life expectancy of less than a year, the case does not go to the medical advisor.

**Short service serious ill health grant** – A short service serious ill health grant maybe payable where a teacher under 75 (but with insufficient service to qualify for ill health benefits) has to stop teaching because they have a life expectancy of less than 12 months. As with an ill health application, both forms must be completed and the application won't be processed until both are received. The Occupational Health advisor must be satisfied that the medical evidence is sufficient to support the ill health application.

## 9. How to deal with applications for ill health benefits

The teacher has to submit the application to the UTC first. Only after UTC have certified it through Occupational Health, should UTC (or the LA) send the application plus the medical evidence to Teachers Pensions.

The only exception to this is where the teacher left employment more than 12 months ago, in which case, the teacher should send the documents directly to Teachers Pensions themselves.

## 11. Medical evidence form

Where the medical evidence form has been completed by a specialist or a GP, it should be sent to the Occupational Health Advisor, along with any supporting documents. They will then assess it before it is forwarded to Teachers Pensions. Teachers Pensions cannot obtain any medical reports on the applicant's behalf.

If the Occupational Health Advisor thinks the application doesn't contain enough medical information to enable Teachers' Pensions to make a recommendation, the applicant must be given the opportunity to consider what more could be provided.

## 12. Importance of specialists

When a psychiatric or physical condition is severe enough to warrant ill health retirement, it's reasonable to expect that the applicant will have been assessed by a specialist. It will greatly help in the consideration of the medical information if this is the case.

If it's not possible, or the applicant has not been referred to a specialist, then the form should be completed by the applicant's GP or your Occupational Health physician. Copies of all specialist reports or hospital correspondence must be included because all applications for ill health retirement will be considered on the basis of the medical information submitted with the application.

Once there has been an outcome determined by Teachers Pensions, then the employee's employment **should be terminated through the** Stage 3 ill health (review meeting) dismissal process.