

Code of Practice – Managing Attendance At Work (Staffordshire)

Signed:

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This Code of Practice must be read in conjunction with the Managing Attendance At Work Policy. It underpins the process for managing attendance.

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Reporting Sick

Employees are required to follow the individual ***school procedure***, usually to personally contact their manager (or person appointed by their manager) at the earliest possible opportunity on the first day of absence and ideally at least two hours before they are due or expected to start work.

On Day 4 - Employee is required to contact their manager to update on their absence.

On Day 7 - Employee is required to contact their manager again and produce a Doctor's fit note within 5 working days.

(Note some school procedures may require staff to make contact on every day of an absence.)

From Day 8 onwards the employee is required to:

- Produce ongoing Doctor's fit notes until they return to work or employment ceases.
- Update their manager at least every two weeks with their progress.
- Engage with Occupational Health and Human Resources regarding referral appointments and absence visits, as necessary.
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Failure to Produce a Fit Note

Failure to produce a fit note within 5 working days of it being due may result (except in exceptional circumstances) in the withdrawal of occupational sick pay from day 13.

Maintaining Contact During the Absence

Short term absence

The manager has a duty of care and should take steps to find out why their employee is not well; the nature of their illness and what steps they are taking to deal with it.

Long term – absences of more than 20 days

At the point it becomes known that the absence will be of more than 20 days the manager should arrange to meet with the employee and will usually arrange a referral to Occupational Health if one has not already been made.

Return to Work Discussions on Return from Sickness Absence

The RTW discussion enables a manager to identify the cause of the absence and should be carried out as soon as possible, ideally on the day of return and normally within 10 days.

Managers must complete the relevant paperwork and return it to the relevant member of admin staff in each school, to show that a RTW discussion has taken place, and keep a local record of the discussion taking place. Return to Work discussions must take place following every absence to ensure that an employee will never unknowingly find him or herself under consideration of the formal Attendance Procedure.

Disability

The implementation of the Equality Act 2010 places certain obligations on employers.

- It is unlawful to discriminate against a disabled person for reasons related to their disability.
- A further obligation is that of reasonable adjustments.

Phased Returns (following long term sickness absence)

May follow a prolonged period of absence where the employee is not fully fit to resume normal duties.

Termination of Contract

May be appropriate where an employee is unable to fulfil the terms of contract on the grounds of continuing sickness absence.

The Bradford Factor

The Bradford Factor is used to calculate the Bradford Score in a rolling 12-month period, which in turn is used to measure levels of employee sickness absence.

Discountable Absences

Sickness related to disability (Equality Act 2010); critical illness; accidents on duty (where the accident has occurred on duty); maternity and pregnancy are normally discounted from the Bradford score when considering formal action.

Formal Attendance Procedure

Consists of three formal stages leading up to (and including) consideration of dismissal.

The Right to be Accompanied

Employees have the right to be accompanied by a companion at any meeting that forms part of the formal attendance management procedure. A companion may be a trade union representative, a fellow worker, or an official employed by the trade union.

Non-attendance at Formal Meetings

At any stage of the formal process if an employee declines to attend the meeting or is prevented from attending, the meeting may still proceed in their absence, at the discretion of the person or those conducting the meeting.

The person conducting the meeting may request that the employee be offered a further opportunity no later than two weeks from the original date. If non-attendance is due to sickness the employee must produce a fit note, which clearly states that they cannot physically attend the meeting.

The Formal Stages

Note: During any stage of the formal process, where **two same stage** warnings (i.e. two Stage 1's) have been issued within the preceding **two years** the formal procedure may be escalated automatically to the next stage if the sickness absence standards are breached.

Stage 1

Bradford Score is at least 150. The manager (usually their line manager) must review their attendance record and consider the actions appropriate at this stage. These considerations must be well documented by the manager and retained on file against the absence record.

Where formal process is to take place, the manager should:

- Arrange a formal meeting with the employee (usually within 14 calendar days of the employee returning to work, but in all circumstances as soon as is reasonably practical).
- Give a minimum of 14 calendar days' notice of the meeting in writing, clearly stating that it is being convened under the formal attendance procedure.

Some absences may be disability related and so managers may need to determine these with assistance from HR and/or OHU and decide if reasonable adjustments are possible for the employee to be able to complete the tasks demanded by the job.

Stage 2

Bradford score of at least 150 points and where two further absences or one absence of 10 days or more, has occurred during the 'life' of the previous Stage 1 warning. In such cases the manager will call the employee to a Stage 2 meeting with a more senior manager, unless the first meeting was conducted by the headteacher.

A meeting is held to advise the employee that their attendance is unsatisfactory, and Stage 2 issued. Should they incur a further two absences, or one absence of 10 days or more they will be facing Stage 3 of the Attendance Procedure at which point their dismissal will be considered.

Stage 3

Bradford score is at least 150 points and where two further absences or one absence of 10 days or more, has occurred during the 'life' of the previous Stage 2 warning.

Manager to invite the employee to a formal meeting allowing 14 calendar days' notice of the meeting.

Where the recommendation is to dismiss the employee will be advised accordingly in writing and invited to attend a dismissal hearing in line with the Trust Scheme of Delegation.

When the decision of the panel is to dismiss the employee will be informed of the last day of service, setting out their appeal rights.

The expiry or otherwise of an employee's payments under the sickness absence scheme will not affect the decision.

Where a decision is taken not to dismiss at Stage 3 the employee will return to Stage 2 of the procedure, the attendance standards appropriate to that stage will apply, and any other measures and/or reasonable adjustments will be considered.

Where an employee fails to co-operate with efforts by the manager to establish the true medical position (for example – fails to attend OHU) a decision concerning future employment will be made based on the information currently available.

Right of Appeal

Where their senior manager chooses to issue a formal warning, the employee will have a right of appeal at all stages to a more senior manager (usually within 14 calendar days of the warning being issued, but this may be reasonably extended to provide opportunity for union representation).

In the case of dismissal, the Trust Scheme of Delegation outlines the appropriate people to consider this.

Expired Warnings

Stage 1: A copy of the first stage written warning should be kept on file, but will lapse after 6 months, subject to satisfactory attendance standards being maintained.

Stage 2: A copy of this written warning should be kept on file but will lapse after 9 months, subject to satisfactory attendance standards being maintained.

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Stage 3: Where a decision not to dismiss is made, this decision should be documented and retained on file. The employee will then return to their original stage 2 warning and its applicable expiry date.