

**LONDON BOROUGH OF HAVERING**

**HES HR**

**MODEL  
MANAGING ATTENDANCE POLICY**

**FOR ALL SCHOOLS**

# HES HR Model Managing Attendance Policy

## 1.0 Purpose and Scope

- 1.1 The School seeks to adopt a positive approach in promoting and supporting employees to meet the standards of attendance at work. In circumstances where these standards are not being met this policy will be used to try to address and resolve, as far as practicable, the reasons for this to the mutual interest of both parties.
- 1.2 This policy applies to all employees employed by the School. It does not apply to agency staff, consultants, casual workers, and external secondees working for the School.
- 1.3 This policy does not apply to employees during their probationary period.
- 1.4 This policy does not form part of any individual employee's contract of employment with the School.
- 1.5 The purpose of this policy is to set out what is required and the options available to the School in dealing with attendance issues. For comprehensive guidance on how to effectively implement this policy the school should refer to the Managing Attendance Management Toolkit.

## 2.0 Principles

- 2.1 Where an employee's attendance and/or performance due to ill health is affected to the extent that they cannot consistently fulfil the duties and responsibilities of their post to the required standard, there may be no option but to terminate employment. Any decision to dismiss an employee on such grounds will only be made after all reasonable steps have been taken and alternative measures considered.
- 2.2 All reasonable steps and alternative measures, both permanent and temporary, are also to be considered and made in order to meet the individual needs of each employee in order to ensure their continuing employment, regardless of whether or not an employee meets the legal definition of disability or who are absent from work for reasons of pregnancy-related illness.
- 2.3 In circumstances where an employee has an expected life expectancy of six months or less, this will be managed in accordance with the employee's preference to either apply for ill health retirement, if eligible, or to remain in service.
- 2.4 In the event of either a national or local pandemic, where there is any conflict between the public health advice and this policy, the public health advice will take precedence.
- 2.5 Any cases where there is a lack of co-operation from the employee to comply with reasonable measures to achieve improvement in their attendance will be dealt with under the School's Disciplinary Policy.
- 2.6 At all stages of the policy, where specified personnel are designated to handle different stages, the School reserves the right to reasonably substitute alternative personnel in cases of non-availability or where otherwise considered appropriate.

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- 2.7 The employee will have the right to be accompanied at all sickness absence meetings by a trade union representative or a work place colleague of their choice. It is the employee's responsibility to make such arrangements and to supply copies of all relevant information and documentation. Wherever possible, if the representative is a workplace colleague they will be granted time off work to accompany the employee when necessary to do so.
- 2.8 If the employee's chosen representative is not able to attend a formal meeting or appeal hearing the School will seek to arrange an alternative date within one working week of the original date with the representative. If it is not possible to arrange a date within this period, a later date will then be set at which both the Panel Members and chosen representative can attend, unless it would be unreasonable to do so. In the circumstances where the employee will not be able to have their first choice present, they would need to either accept any representative who is available to accompany them to the meeting, as provided by their trade union, or find another workplace colleague.
- 2.9 The Governing Body will need to determine its involvement in the implementation of this Policy including the identification of Governors to be involved in any specific case. The Governing Body must also have regard to their own delegated powers in respect of this Policy.
- 2.10 Due to the time constraints of the academic year and, where appropriate, governor availability, the School reserves the right to stipulate the date for re-arranged capability hearings.
- 2.11 At all formal meetings there may also be a HR Representative and note taker present.

### 3.0 Sickness Absence Interventions

- 3.1 Appropriate action is to be taken where an employee has had:
- 3.1.1 28 consecutive calendar days or more of sickness absence,
  - 3.1.2 28 calendar days or more of the same reason for sickness absence in any 52 week rolling period,
  - 3.1.3 3 spells or more of sickness absence in any 26 week rolling period, for absences that are not related to disability, pregnancy or an already known underlying medical condition,
  - 3.1.4 10 working days or more of sickness absence in any 52 week rolling period for absences that are not related to disability, pregnancy or an already known underlying medical condition. For employees who work less than 5 days a week this is pro-rata accordingly,
  - 3.1.5 spells of sickness absence that were or may have been, as a result of one or more underlying medical conditions,
  - 3.1.6 their performance at work affected as a result of one or more underlying medical conditions.

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## 4.0 Stages of Sickness Absence Review

### 4.1 Informal Sickness Absence Meeting

4.1.1 This is held when the school has not received any advice from occupational health concerning the employee's absence(s) and/or medical condition in question.

4.1.2 Should the reason for not having received advice from occupational health be due to either the employee not giving consent or subsequently withdrawing their consent, for a medical report, or not attending an occupational health appointment without good reason, then a formal sickness absence review would need to be held instead.

### 4.2 Formal Sickness Absence Review

4.2.1 Is held where medical advice has either been obtained or where section 4.1.2 applies. The aim of the review process is to facilitate an employee's successful return to work and/or for the employee to sustain a satisfactory level of performance and/or attendance thereafter.

4.2.2 Should it become evident that this is not likely to be achievable in the employee's substantive role(s) then a decision meeting will need to be held.

### 4.3 Decision Meeting

4.3.1 Where it is determined that the employee's will not be able to sustain a level of performance and/or attendance required for their substantive role(s) either at all or within a reasonable timescale a Decision Meeting shall be held to consider the employee's continuing employment.

## 5.0 Occupational Health Assessments

5.1 Where an employee has had certificated sickness absence, subject to their consent, a referral to Occupational Health to request a report on the employee's fitness to work must be made before any Formal Sickness Absence Reviews or Decision Meetings are held.

5.2 A medical report must also be obtained before making a determination on whether or not an employee has any underlying medical conditions.

5.3 Any other referrals for a medical report can be made at the discretion of the School and with the agreement of the employee.

5.4 If the employee chooses not to give or later withdraws their consent, which is their right to do so, then any decisions will be based on all the other information that is available.

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## 6.0 Informal Sickness Absence Meeting

- 6.1 The purpose of the meeting is to review the absence(s) that have occurred and to determine any reasonable course of action that can be taken to identify the reasons for absence and to mitigate against any further occurrences.
- 6.2 Where it is considered that the absence(s) may be as a result of an underlying medical condition, the employee should be referred to Occupational Health, and if this is the case to then hold a formal sickness absence review.
- 6.3 The employee will need to be informed if a formal sickness absence review will be held as an outcome of the meeting or to set out the circumstances which, if met would result in this meeting being held.

## 7.0 Formal Sickness Absence Review

- 7.1 The purpose of the meeting is to review the absence(s) to explore with the employee:
- The current medical position,
  - The reasons for and causes of the absence(s),
  - Details of any current and or planned treatment,
  - The impact of the absence(s) on both the employee and school,
  - Any work related performance issues that have arisen as a result of the employee's medical condition,
  - Any reasonable courses of action, that can be undertaken by either party, to mitigate against any further occurrences including considering temporary or permanent adjustments.
- 7.2 For employees who are currently absent to also explore any reasonable courses of action to facilitate a successful and sustained return to work.
- 7.3 At the conclusion of the first meeting a further sickness absence review meeting must be held. Subsequent sickness absence review meetings should continue to be held unless:
- The employee has reached a satisfactory level of performance and/or attendance,
  - There is an agreed plan and/or date for the employee to return to work,
  - A decision needs to be made with regard to the employee's continued employment at the school.

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### 8.0 Decision Meeting

- 8.1 The purpose of the meeting is to make a decision regarding the continuing employment of the employee.
- 8.2 At this meeting the manager who held the formal sickness absence review meetings will present a report setting out the details of the sickness absence(s) stating the action taken to date. The report should also refer to the impact of on the School, and any other factors for consideration. The employee, who will have the opportunity to respond to the report and to make any relevant representations.
- 8.3 At the conclusion of the meeting, one of the following decisions shall be made and formally confirmed to the employee:
- Refer back to Formal Sickness Absence Review
  - Medical redeployment
  - Dismissal either with notice or in lieu of notice
  - Ill Health Retirement
- 8.4 The decision of dismissal should only be made when it is established that all other reasonable alternatives to dismissal have been considered.

### 9.0 Decision Meeting Appeals

- 9.1 An employee has the right to appeal against any decision to dismiss by submitting a formal appeal by the given deadline stating the grounds on which the appeal is made.
- 9.2 The appeal will be heard by a Panel which will not include any members who were involved in the proceedings prior to the appeal.
- 9.3 The following options will be available from which the Panel can make a decision:
- 9.3.1 Uphold the decision of the Decision meeting.
  - 9.3.2 Change the decision of the Decision meeting.
  - 9.3.3 Direct a rehearing of the Decision meeting to take place.
- 9.4 The Chair of the Appeal Panel will formally notify the employee of the outcome and the reasons for it.
- 9.5 The decision of the Appeal Panel is final.