

# Maplewell Hall School



## **Attendance Policy – Staff** **Including Therapeutic return to work guidance**

Adopted from LA Summer Term 23

<b>Policy Created</b>	<b>Spring 2021 Revised 2022</b>
<b>Date Reviewed by Personnel Committee</b>	<b>Summer Term 2023</b>
<b>Date of Next Review</b>	<b>Summer Term 2024</b>

**This policy applies to all staff including the Head Teacher.**

**This policy does not form part of employees' terms and conditions of employment and therefore may be subject to change at the discretion of the Trust/Governing Body.**

**For the purposes of this policy the Head Teacher will be referred to as 'Head Teacher' and school will be referred to as 'school'.**

## **1. Purpose**

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- 1.1 The purpose of this policy is to provide a supportive framework to assist employees to improve and maintain the required level of attendance expected where a shortfall in attendance has been identified. Where a satisfactory level of attendance is not achieved this document outlines the process that will be followed to ensure that employees continue to be supported to make the necessary improvements before dismissal is considered.
- 1.2 The school recognises the importance of managing attendance in a fair and consistent manner.
- 1.3 All absences will be consistently reported, recorded, monitored and analysed on an ongoing basis across the school in order to identify problems, review individual cases and decide upon any appropriate action.

## **2. Application of the Policy**

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- 2.1 The attendance of all staff will be managed by either the Head Teacher or another person in a management role/with management responsibility within the school.
- 2.2 If the Head Teacher's attendance is being managed in line with this policy, the Chair of Governors will be responsible for overseeing the application of this policy.
- 2.3 Where an employee makes satisfactory improvement in their attendance, they will be expected to maintain this improvement. Where the improvement is not sustained, the attendance process will recommence at the stage where the employee was being managed previously, e.g. an employee, who was advised at the Review meeting that they had achieved a satisfactory level of attendance, who subsequently goes off sick again within the following 12 months would return to the Review Meeting stage.

## **3. Employees Obligations**

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- 3.1 Employees are expected to:
  - Comply with the school's sickness notification procedure (at Section 4.1),
  - Maintain regular communication with the school: a mutually convenient time for contact between the school and employee will be agreed from the outset of the absence,
  - Keep the school informed of any significant developments affecting their condition/situation,
  - Attend medical appointments and ensure that medical advice is followed,

- Engage with the schools Occupational Health Service, where requested, to allow the school to consider any necessary support required to facilitate a return to work.

## 4. Reporting Sickness Absence

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4.1 It is essential that employees follow the correct procedure for reporting absences:

- **Reporting absence**

If a staff member is unable to come into school because of an illness, please inform SLT by telephoning the cover phone on 07511 801155 before 7:30 am to arrange cover. Wherever possible, a staff member needs to contact the school and speak with either Mandy Paris or Jason Brooks by 3:00 pm to advise whether they are able to return to work the next day, or if further leave is required. If a staff member knows that they are going to be away for more than one day, please get in touch with the school before 3:00 pm so that that cover can be arranged for those days of absence.

- **Planning when absent**

Please prepare your cover lesson on Google Classroom. Ensure that all members of support and cover staff have access to your online classrooms. If you are unable to set cover work, you must make this clear when reporting absence and inform your head of department, where possible, so that they can support you.

4.2 Once an employee has notified the school of their absence, arrangements to ensure regular contact is maintained between the employee and Manager should be put in place. **It is essential that arrangements regarding contact are made to ensure the employee is supported during their absence.**

4.3 Employees who are absent for:

- Less than 7 calendar days must complete a self-certification for their absence,
- 7 calendar days or more must provide a valid Fit Note from their GP/Consultant, or other relevant Health Care Professional (N.B From 1st July 2022 the following medical professionals, who have received the relevant training to do so, will be able to certify and issue fit notes to individuals who have been absent from work due to illness for more than 7 days:
  - registered nurses,
  - occupational therapists,
  - pharmacists, and
  - physiotherapists

Fit notes will only be issued following an assessment of an individual's fitness for work and will not be issued on request or via over-the-counter services. This update will enable patients to see the most relevant healthcare professional and have better conversations about work and health.

These healthcare professionals should be treating an employee under NHS services.

For more information on fit notes please see: <https://www.gov.uk/government/publications/the-fit-note-a-guide-for-patients-and-employees/the-fit-note-guidance-for-patients-and-employees>

## **5. Employees with Additional Considerations**

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- 5.1 Consideration will be given as to whether an employee's level of attendance is due to a physical or mental disability or is pregnancy related and if so what reasonable adjustments may be needed to assist the employee to reach the required level of attendance. If an underlying disability is suspected, an Occupational Health referral is usually required, and advice sought regarding reasonable adjustments. The Manager may seek further advice from the school's HR Adviser in such circumstances.
- 5.2 Absences relating to pregnancy will be kept separate from sickness absence records.

## **6. Return to Work Meetings**

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- 6.1 Where possible, return to work meetings will take place on the employee's first day back to work, regardless of the length of the absence. In many cases the meeting may be as brief as a quick chat to ensure that the employee is fit to return to work, to welcome them back to work and update them on any school news/new developments in school.
- 6.2 If the employee's manager is absent at this time, responsibility for carrying out the return to work meeting will be passed to another manager.
- 6.3 The self-certification form/return to work form should be completed as soon as possible on an employee's return to work.
- 6.4 Where concerns regarding an employee's attendance continue, discussions should take place as to how the employee may be supported to reduce their level of absence.
- 6.5 As the return to work meeting is part of day to day management, the employee does not have the right to be accompanied.

## **7. Support Mechanisms**

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- 7.1 At any appropriate time when attendance issues have been identified, it may be appropriate to explore some, or all, of the support options below with the employee (this list is not exhaustive):
  - a) Referral to Occupational Health to seek medical advice and opinion,
  - b) Therapeutic Return to Work to assist the employee to return to work on a planned and phased basis, usually following a medical recommendation,
  - c) Reduction in Hours on a temporary or permanent basis to assist the employee to return to work. Such arrangements must be mutually accommodated and agreed. The employee's contract of employment will then be changed accordingly,
  - d) Ill Health Retirement may be an option but in the first instance requires an Occupational Health referral.

## **8. Short and Long-Term Absence**

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- 8.1 Frequent short-term absence may be attributable to minor ailments and in many cases are unconnected however exploration of whether they are linked to an underlying illness is important.
- 8.2 Long-term absence, usually identified as period of absence of 4 weeks or more, can normally be distinguished from short term absence in that it tends to be continuous and can usually be traced to an underlying medical condition.

## **9. Day to Day Management**

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- 9.1 An effective absence management strategy requires consistent day to day line management and support of employees who are absent from work or whose attendance levels fall below the expectations of the school.
- 9.2 Where there are concerns regarding an employee's attendance, the manager will hold welfare meeting(s) with the individual to:
- Raise their concerns with the employee,
  - Agree a course of action and a reasonable period of review with the employee (suggest between 4 to 8 weeks),
  - Ensure regular contact is maintained with the employee to address any issues that arise and ensure that any agreed actions remain relevant and up to date,
  - Retain a record of all discussions held and support offered,
  - Advise the employee that failure to achieve the necessary levels in attendance by the end of the review period may lead to formal processes being adopted,
  - Encourage the employee to seek advice and guidance from their Trade Union Representative.
- 9.3 At the end of the review period the Manager will discuss with the employee whether the targets for improvement have been achieved. Where progress is made, no further action will be required, however, employees will be informed that failure to maintain the level of attendance may result in the employee being managed under the formal stages of this policy.
- 9.4 Where a satisfactory improvement in attendance is not achieved, it may be necessary to manage the employee under the formal stages of this policy, see section 12

## **10. Fast Track to Attendance Hearing – Long Term Absence**

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- 10.1 There will be occasions where medical reports indicate that a return to work is not possible within a reasonable timescale or, an employee has a terminal illness. In these circumstances the school will ensure that all avenues of support, including ill health retirement and redeployment have been exhausted. If this can be demonstrated, the formal procedures will commence at the Attendance Hearing stage.

## 11. Attendance Management Meeting

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- 11.1 Where there are continuing concerns regarding an employee's attendance, a formal meeting will be arranged. A minimum of 5 working days' notice will be given for this meeting.
- 11.2 As this is a formal meeting, the employee has the right to be accompanied by a work colleague or trade union representative.
- 11.3 At this meeting, the Manager, employee and their representative will:
- a. Discuss the employees on going absence and reasons for this,
  - b. Discuss what support has been put in place to date and whether additional support is required,
  - c. Agree a formal improvement plan outlining the level of improvement required and a reasonable timescale for achievement (this is the review period),
  - d. The Manager will advise that failure to improve their level of attendance within the agreed timescale could result in a final warning being issued at the end of the review period.
- 11.4 A date for the Review Meeting should be agreed which will be held at the end of the agreed review period.
- 11.5 The employee will receive written confirmation of the outcome of the meeting.

## 12. Review Meeting

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- 12.1 At the end of the review period the employee will be invited to a Review Meeting. A minimum of 5 working days' notice will be given for this meeting. The employee will have the right to be accompanied by a work colleague or trade union representative. Both the person conducting the meeting and the employee will have an opportunity to present evidence to support their position.
- 12.2 The potential outcomes of the meeting are:
- a) The employee has made sufficient improvement; the attendance procedure may cease and day to day management/monitoring will recommence. Employees should be informed that if the improvement is not sustained for a period of 12 months the process may recommence at the Review Meeting stage of this policy,
  - b) If some progress has been made and it is considered that targets for improvement are achievable within a short timeframe, it may be appropriate to extend the review period. For most cases, it will be appropriate to extend the review period just once after which a further Review meeting will take place to review the employee's progress,
  - c) If no, or insufficient, improvement has been made, the employee will:
    - Receive a **final written warning** which will remain on their file for 12 months,
    - Be informed in writing of the details of the Final Written Warning,
    - Be advised of their right to appeal against the warning,
    - Be informed that failure to achieve the required level of attendance by the next review may lead to an attendance hearing where the employee may be dismissed,
    - Receive the revised formal improvement plan with the outcome letter, detailing the level of

improvement required, timescale for improvement and additional support mechanisms identified to assist the employee to return to work.

- 12.3 A date for a Final Review Meeting should be agreed. This will be held at the end of the agreed review period.

### **13. Final Review Meeting**

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- 13.1 At the end of the review period, the employee will be invited to a Final Review Meeting. A minimum of 5 working days' notice will be given for this meeting and the employee will be informed of their right to be accompanied. Both the person conducting the meeting and the employee will have an opportunity to present evidence to support their position.

- 13.2 The potential outcomes of the meeting are:

- a) The employee has made sufficient improvement and the attendance procedure may cease and the day to day management of their attendance will recommence. However, if the improvement is not sustained for a period of 12 months the process may recommence at the Final Review Meeting stage of this policy,
- b) If some progress has been made and it is considered that targets for improvement are achievable within a short timeframe, it may be appropriate to extend the review period. In most cases, it will be appropriate to extend the review period just once,
- c) If no, or insufficient, improvement has been made, the employee will be advised that a hearing will be convened to consider the case and that a potential outcome is dismissal. This will be confirmed in writing to the employee.

### **14. Attendance Hearing**

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- 14.1 A minimum of 5 working days' written notice will be given to attend a formal hearing in which the employee will be informed of the reasons for the hearing and their right to be accompanied by a work colleague or trade union representative. The letter must state that a potential outcome of the hearing is dismissal and enclose copies of relevant documentation intended to be referred to at the hearing. The employee will also be given an opportunity to present their case and provide evidence.

- 14.2 The potential outcomes of the hearing are:

- a) No further action is required,
- b) There is insufficient information available, on which to base a decision, or it is considered that all the support available has not been explored fully. Therefore, an extension will be agreed to the final review stage, with a further improvement plan being implemented,
- c) If no, or insufficient, improvement has been made, the employee will be dismissed.

### **15. Dismissal**

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- 15.1 Dismissal will be with notice. The employee will be notified in writing of the outcome of the hearing, including the reason for the dismissal and date of termination of their employment. The letter will also include details of their right of appeal.

## **16. Appeal**

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16.1 All appeals will be held in line with the school's Appeal Policy.



# Therapeutic return to work guidance

This guidance document is intended to support Head teachers and Line Managers when managing any member of staff employed by the School who may benefit from a therapeutic return to work following long term absence.

This document serves as a guide to support managers only and does not form part of employees' terms and conditions of employment and therefore may be subject to change at the discretion of the Governing Body.

## 1 Overview

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- 1.3 Where an employee has had a prolonged period of absence, their General Practitioner (GP) and/or other appropriate medical professional may set out recommendations regarding a therapeutic or phased return to work. In such cases a fit note or medical report will be issued which states that the employee is fit to return to work on a *therapeutic or phased basis*.
- 1.4 A phased or therapeutic return involves a gradual return to the workplace and is often considered as a way to support the employee to ensure that the return is a success. This will involve an employee working less than their contracted hours initially, and gradually increasing their hours of work over an agreed period of time (usually up to 6 weeks), until they are back to working their full contractual hours.
- 1.5 During a therapeutic return to work any time that the employee is not in work must be supported by a medical fit note. Any such time will be classed as sickness absence.
- 1.4 It is important to note that each therapeutic return to work will be determined on a case by case basis and dependent on the particular circumstances of the individual employee and medical advice obtained.
- 1.5 During any therapeutic/phased return to work it is also important that consideration is given to and employee's duties and responsibilities as well as their hours of work.

## 2. Roles & Responsibilities

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- 2.1 The attendance of all staff will be managed by either the Head Teacher or another person in a management role or with line management responsibilities within the school.
- 2.2 If the Head Teacher's attendance is being managed in line with this policy, the Chair of Governors will be responsible for overseeing this process.

## 3. Considering Medical Advice

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- 3.1 A therapeutic return to work will usually be one part of a more detailed programme of support e.g. the Support Plan that is put together as part of the strategy to support an individual to make the

necessary improvements in their attendance (as set out in the Attendance Management Policy). A therapeutic return to work is usually only considered after a long period of absence.

- 3.2 A therapeutic return to work may be recommended by either the employee's GP or other relevant medical profession including Occupational Health where a referral has been made to seek further information on an employee's current health status.
- 3.3 Following receipt of medical advice the manager and employee should meet to agree a suitable support plan and timetable which outlines the arrangements for the therapeutic return.
- 3.4 Any support plan, including the therapeutic return to work schedule should be kept under regular review to ensure it remains fit for purpose.
- 3.5 Regular weekly meetings should take place throughout the therapeutic return period to ensure that all reasonable steps have been considered and appropriate support implemented to ensure a successful return to full hours and duties. Such meetings will usually take place towards the end of each week to check the employee is able to increase in their hours the following week.
- 3.6 Where an employee is struggling to increase their hours week on week they may require further adjustments to their support plan, therefore regular communication is important. Where an employee is not able to demonstrate some progress towards resuming their contractual hours within a 6-week period, further advice should be sought from HR.
- 3.7 During a therapeutic return to work an employee should be issued with a medical certificate by their GP or other relevant medical professional. All time where an employee is not at work will be considered as sickness absence.

## **4. Where Attendance Issues Continue**

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- 4.1 Where the employee is unable to return to their normal hours of work and/or duties by the end of the therapeutic return period, then consideration could be given to an alternative course of action, this may include, but not limited to:
  - Proceeding to the next stages of the attendance management process.
  - A further referral to occupational health to obtain additional information on support/adjustments that can be considered to support the employee,
  - Obtaining further advice from the employee's GP or other relevant medical professional (this will require the employee consent),
  - A temporary reduction in contractual hours to ascertain if this would be beneficial to the employee and enable them to meet their contractual obligations (employee's consent required).
  - A permanent reduction in contract hours (employee's consent required).
  - Redeployment to an alternative position (with the agreement of the employee).

## 5. Other Arrangements to Consider

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### 5.1 Annual Leave:

Employees should be encouraged not to take annual leave during a period of therapeutic working since it would defeat the purpose of a return to work and may lead to an extension of the plan. Therefore:

- a) School closure periods should not be considered as part of a therapeutic return period for teachers or support staff employed during term time only.
- b) Annual leave which has been booked and cannot be changed should not form part of a period of therapeutic return.
- c) Head Teachers/Principals will need to have regard for the above when considering a therapeutic return during the weeks immediately before a) or b) above.

### 5.2 Sickness Record:

The school must notify their payroll provider that an employee is returning to work on a therapeutic basis with details of hours to be worked. A Phased Return Plan is available for schools to complete for this purpose (see Appendix A).

For the purposes of the sickness record (and calculating future sick pay entitlements), hours not worked by the employee should be recorded as sick leave on weekly and monthly sickness returns.

During the the Therapeutic Return any periods of sickness will be deemed to be continuous for the purpose of sickness absence recording.

### 5.3 Funding:

Where a school has been claiming funding in respect of the sickness absence of an employee who returns to work on a therapeutic basis, the school will be able to continue to claim that portion of the special payment which covers hours which are not being worked.

NB. Schools may need to speak to their insurance provider for further advice and guidance regarding the terms of their cover).

### 5.4 Payment:

A return to work will result in the forfeiture of SSP or sickness benefit. To remove this potential deterrent, the following pay arrangements apply:

<b>Sick pay entitlement at time of return.</b>	<b>Payment for balance of entitlement period*</b>
<b>Full Pay</b>	Full pay
<b>Half Pay</b>	Full pay for contractual hours of the week actually worked. Half pay + (if entitled) SSP/sickness benefit lost for the remaining contractual hours of the week recorded as sickness absence. (The combination of full pay for hours worked and half pay + SSP/benefit for hours not worked will not exceed full weekly pay).
<b>No Pay</b>	Payment for hours worked only and, if entitled, SSP/sickness benefit lost.

\*If the employee's entitlement moves from full to half pay or from half pay to no pay during the period of therapeutic working, payment will change accordingly.

### Example 1:

<b>Sick pay entitlement at point of return to work: Half Pay (50%)</b>			
Normal working hours: 32½ hours over 5 days (100%)			
		<b>Contractual % Actually Worked</b>	<b>Pay Entitlement (% of weekly contractual hours)</b>
<b>Week 1</b>			
Actual hours worked	13 hours	40%	<b>40% at full pay</b>
Sickness absence	19.5 hours		<b>60% at half pay</b>
<b>Week 2</b>			
Actual hours worked	19.5 hours	60%	<b>60% at full pay</b>
Sickness absence	13 hours		<b>40% at half pay</b>

### Example 2:

<b>Sick pay entitlement at point of return to work: Half Pay (50%), and reduces to no pay by week 2 of therapeutic return to work</b>			
Normal working hours: 32½ hours over 5 days (100%)			
		<b>Contractual % Actually Worked</b>	<b>Pay Entitlement (% of weekly contractual hours)</b>
<b>Week 1</b>			
Actual hours worked	6.5 hours	20%	<b>20% at full pay</b>
Sickness absence	26 hours		<b>80% at half pay</b>
<b>Week 2 (pay entitlement reduced to no pay)</b>			
Actual hours worked	13 hours	40%	<b>40% at full pay only</b>
Sickness absence	19.5 hours		

## Appendix A: Phased Return to Work Plan

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Phased Return Plan for Schools		
Required for Teaching and Support Staff		
School:		
Name of employee:		
Employee No:		

	Date		Date
Start date of sickness absence:		End date of sickness absence:	
Start date of phased plan:		End date of phased plan:	

Date	Normal daily contracted hours	Actual daily hours worked	For EMSS Calculation use only
<b>Total</b>	0	0	