



Three
Spires
TRUST

'Life in all its fullness'

Managing Attendance at Work Policy

This policy has been consulted upon with all recognised professional associations who from part of the Joint Negotiating Committee in line with the Three Spires Trust Trade Union Recognition Agreement.

Policy Owner	Director of Operations
Approval by	Trust Board
Date approved	Reviewed Summer 2024
Review date	Summer 2006

Policy Version Control

Version	Date	Author	Changes
1.0	September 2022	DO	Original policy
1.1	August 2024	DO	No changes



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Section A: Introduction

This Policy strives to ensure the wellbeing of employees at work, through support, advice and help where underlying health issues are contributing to their absence in order to encourage consistent high levels of attendance. It recognises that whilst a certain level of sickness may be inevitable, a reasonable balance must be maintained between the needs of the business and those of employees to take time off from work due to sickness. This policy outlines what is expected from managers and employees when such situations occur (both short- and long-term sickness absence) in order to ensure that support and treatment is consistent, lawful, fair and equitable. The Code of Practice (section B) details the responsibilities of both parties and the mechanisms put in place to underpin our policy.

Three Spires Trust expects its employees to take responsibility for managing their own health wherever possible to ensure regular attendance at work, and to engage fully in the attendance management process when sickness absence occurs. Three Spires Trust appoints staff in accordance with conditions of service for Teaching staff (Burgundy Book) and Support Staff (Green Book), it is not the intention of this policy to override those provisions.

The Trust will use the Bradford factor scoring system to monitor all sickness absence, and employees not meeting the expected standards of attendance will be managed under the terms of this policy. The Bradford Score is a number of points accrued during a rolling twelve-month period, based on the following formula:

$$\text{No. of absences} \times \text{No. of absences} \times \text{total days} = \text{Bradford Score}$$

Sickness absences arising from and related to maternity, pregnancy, disability (Equality Act 2010), critical illness, or where the employer accepts that there has been an accident on duty in considering whether formal action is appropriate will normally be discounted from the Bradford score. An exception to this may be where reasonable adjustments have been agreed and put in place, but sickness absences continue to occur.

The Trust and its academies will manage attendance through the use of Return to Work Discussions which will be conducted each time an employee returns to work following any period of sickness absence.

Policy Principles

The three stages of managing attendance are progressive and intended to remind and enforce the attendance standards that are expected from all employees, with support mechanisms to encourage this. The Principal or line manager must take formal action at the appropriate stage where the Bradford score is 150 or above, after taking account of absences that are normally discountable.

The policy applies from the first day of employment, although an employee must never unknowingly find him or herself under consideration of the formal attendance procedure.

Sometimes conflict with others at work can lead to employees taking sickness absence. In these circumstances mediation can be particularly helpful, providing a process for the parties involved to explore their issues in a safe and confidential environment, paving the way to a successful return to work.

This policy and its supporting procedural documents provide a framework to manage attendance issues in ways that are founded on the principles of:

- Effective support in the handling of sensitive and complex matters;
- Recognising disability related conditions and issues in the workplace and taking appropriate action to mitigate the effect of these;
- Equity and fairness of treatment.

- Consistency of application of the process and procedures agreed for handling sickness absence and attendance issues;
- Timeliness (in accordance with reasonable timelines).

Supporting information

Supporting information is available in the proceeding sections of this policy.

Employees are expected to engage appropriately with this policy insofar as they are affected by it. Abuse or misuse of this policy is unacceptable and may give rise to action under the Trust's formal procedures.

Information recorded during this process may on request be disclosed to any party involved in the process (subject to exemptions). When a request for information is received, it would need to be established if the requested information is the requestor's personal data. The request would then be assessed to identify if there are any exemptions from release, for example, would release put another person at harm. Written requests for information will be subject to the General Data Protection Regulations (GDPR). Please refer to the Three Spires Trust Data Protection Policy, available on the Trust website, for further details: www.threespirestrust.org.

Long COVID

If an employee has symptoms of long COVID (supported by written medical confirmation), care will be taken to ensure that they are not placed at a disadvantage.

Cases of long COVID will not be treated any differently to normal sickness absence - usual absence management procedures will be engaged and cases of long COVID will be dealt with sensitively.

Employees with long COVID will receive sick pay in the usual way and care will be taken to ensure that managers keep in regular contact with them.

If an employee is well enough to return to work, steps will be taken to ascertain what symptoms the employee is experiencing and the effect this may have on their ability to work. Consideration will be given to what adjustments could be put in place to help them return. This could include, for example, a phased return or homeworking arrangements.

Medical evidence will be sought to help determine whether the employee is likely to be disabled and any adjustments that might be reasonable. Occupational health will be engaged to assist with reasonable adjustments.

Employee Assistance

The Trust recognises the requirement to support employees suffering from poor mental health and stress in the workplace and has signed up to the DfE Employee Wellbeing Charter. Each academy has clear processes in place for employees to raise mental health problems and will take prompt positive action when employees seek help. This may include but is not limited to workplace adjustments, individual risk assessments and phased returns where necessary together with occupational health support.

In addition, the Trust employee assistance programme provided by Health Assured, provides all employees free 24-hour support. Further information on this is provided at the end of this policy and is displayed in all academies.

Section B: Code of Practice

1. Reporting Sick

Employees should follow their local procedures within their own academy when reporting any absence. In general, employees are required 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.

In exceptional circumstances an employee may nominate an alternative person/next of kin to contact their manager as appropriate.

Day 1-7 Employee is required to contact their manager to update on their absence on day one, day four and day seven.

On Day 7 Employee is required to contact their manager again, and produce a Doctor's fit note within 5 working days. Original doctor's fit notes may be retained by the employee providing an appropriate copy is retained by the employer.

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 or at appropriately agreed intervals.
- Engage with Occupational Health and Human Resources regarding referral appointments and absence visits.

Occupational Health referrals will be made with the employee's consent to aid managers to provide support to employees. In all instances, draft OHU reports will be provided to the employee in the first instance and the employee is able to request amendments before it is provided to the employer.

2. 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.

3. 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 arrange a referral to Occupational Health if one has not already been made.

Contact with employees during ill-health absence will always be reasonable, sensitive and will not required employees to set work for classes or undertake other contractual duties.

4. 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 update the on-line system for academies (or arrange for it to be updated where no direct access) 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 – in all cases a record of RTW discussions will be made available to all employees.

Any request to be accompanied to a Return to Work interview will not be unreasonably refused (e.g. if it does not delay proceedings or impact on academy cover requirements).

5. 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.

6. 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. These should be agreed locally between the employee and Principal/line manager, supporting by GP/medical advice.

Phased returns for all employee's would normally be on full pay; however, any phased return longer than four weeks would necessitate a temporary reduction in hours.

Should a phased return fail resulting in a further period of absence it would be at the discretion of the Principal to determine whether any further requests for phased return would be granted on full pay.

7. Medical Suspension

There are a number of circumstances where it may be necessary to medically suspend an employee. Reasons for such a decision may include consideration for the protection of the person's own health, as well as the health and welfare of other staff and students who may be put at risk by the medical condition of an employee. Occupational health may also recommend medical suspension of an employee.

The decision to medically suspend can be taken by an Academy Principal, the CEO or the Chair or Vice Chair of Trustees. In all instances HR support must be sought.

Medical suspension will be on full pay and the absence will not be counted as sickness absence for the purposes of this policy.

8. Termination of Contract

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

9. 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.

10. 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.

11. Formal Attendance Procedure

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

12. 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.

13. 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.

In all instances, the employer will make all reasonable attempts to facilitate employee attendance at meetings.

14. The Formal Stages

Note: During any stage of the formal process, where **two same stage** reviews (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 a Senior Leader) 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 10 working days of the employee returning to work, but in all circumstances as soon as is reasonably practical).
- Give a minimum of 10 working day's 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 the Trust, 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 review. In such cases the manager will call the employee to a Stage 2 meeting with a more senior manager.

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 their absence will be reviewed under Stage 3 of the 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 review.

Principal to invite the employee to a formal meeting in accordance with Scheme of Delegation allowing 10 working day's notice of the meeting.

Where the decision is to dismiss the employee will be advised accordingly in writing and 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.

15. 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 10 calendar days of the warning being issued, but this may be reasonably extended to provide opportunity for union representation).

16. Expired Attendance Reviews

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.

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.

17. Attendance at Work Scheme of Delegation

The management of attendance at work issues may be delegated to staff other than the Principal. References to the role of Principal in this policy and procedure include their nominee.

Element of policy	Delegated to
Return to work discussions	Line manager or Principal
Stage 1	Line manager or Principal
Stage 1 appeal	Principal or member of Trust Executive
Stage 2	Line manager or Principal
Stage 2 appeal	Principal or member of Trust Executive
Stage 3	Local Governing Body panel

Section C: Guidance – When an employee goes off sick

	Employee Accountabilities	Manager Accountabilities	
Going off sick	Contact Manager on day one, day four and day 7.	Establish and discuss: <ul style="list-style-type: none"> - nature of illness - likely length of absence - if they intend to visit doctor - if it is disability related - any adjustments needed - what work needs to be covered 	<ul style="list-style-type: none"> - Maintain regular contact with the employee - Where absence is indicated to be work related stress managers should carry out the stress risk assessment
During sick absence	Day 8+ provide a fit note from Doctor	<ul style="list-style-type: none"> - Where absence is 20 days or anticipated to be 20 days refer to OHU - Consider advice on fit note and make amendments to facilitate a return to work. If no fit note is provided you should contact the employee 	Informal absence meeting(s) at home or Trust premises to: <ul style="list-style-type: none"> - Collect information for an OHU referral or - Share an OHU report or - Consider how to facilitate a return to work (adjustments, phased return) Weekly phased return reviews, where appropriate Meetings at home would only take place with an employee's express consent, and in these instances employee's would be given the opportunity to be accompanied.
Coming back to work	Complete a self-certificate form	<ul style="list-style-type: none"> - Carry out RTWD - Consider Bradford Factor and any discountable absence <ul style="list-style-type: none"> o More than 150 - Formal procedure o Less than 150 - No further formal action 	<ul style="list-style-type: none"> - Weekly phased return reviews, where appropriate

Section D: Return to Work Discussions

	Review of Bradford Score	Manager Accountabilities	Employee Accountabilities	Trust / HR Support
Before RTW Discussion	Review absence within rolling 12 months	<ul style="list-style-type: none"> - Consider normally discountable absences due to: <ul style="list-style-type: none"> o Industrial injury o Maternity o Critical illness o Disability - Part-day and linked absence - Review employees attendance and Bradford Score 	<ul style="list-style-type: none"> - Ensure completed Self Certificate form - Provide a fit-note for absences of 8 or more day 	Trust: <ul style="list-style-type: none"> - Provide policy and procedural guidance following the 150 review HR Support <ul style="list-style-type: none"> - Advise on discountable absences
During RTW Discussion	Confirm current and previous absences are correct and discounted where appropriate	Discuss latest absence using structured form: <ul style="list-style-type: none"> - Establish if likely to be further absence - Identify patterns or trends - Establish underlying reasons, preventable measures and support mechanisms - Detail how Bradford factor fits in with formal process - Agree and record actions 	<ul style="list-style-type: none"> - Fully engage with discussion - Expand on any medical circumstances including disability related - Discuss any non-medical issues contributing to absence - Identify and agree support, preventable measures and actions 	HR Support <ul style="list-style-type: none"> - Advise managers on appropriate measures and other formal actions where 150 Bradford Score - Support and advise manager in considering next actions - Signpost to stress assessment, risk assessment and training
After RTW Discussion	Update records on MyView	<ul style="list-style-type: none"> - Refer to Occupational Health where absence is likely to continue - Address underlying non-medical reason for absence through other policies - Manage and agreed actions - Carry out review meetings (e.g. if there is a phased return) 	<ul style="list-style-type: none"> - Accept responsibility and take part in resolving any problems - Put in place any agreed actions 	HR Support <ul style="list-style-type: none"> - Support manager to implement actions and access other policies if appropriate Occupational Health <ul style="list-style-type: none"> - Provide/obtain up to date medical information as required

Section E: Formal Absence Process

	Review of Bradford Score	Manager Accountabilities	Employee Accountabilities	Trust / HR Support
Stage One Outcome	<ul style="list-style-type: none"> - Score of at least 150 	<ul style="list-style-type: none"> - Consider normally discountable absences due to: <ul style="list-style-type: none"> o Industrial injury o Maternity o Critical illness or disability. - Any part day and linked absence. - Arrange a formal meeting - Adhere to timescales - Fully document any decisions - Notify employee in writing - Inform Trust and HR where a stage 1 is issued - Arrange appeals 	<ul style="list-style-type: none"> - Fully engage with the process - Provide a fit-note where not able to attend scheduled meetings - Arrange to be accompanied if required - Ensure up-to-date absence information is provided to manager - Submit appeal within 10 days 	Trust <ul style="list-style-type: none"> - To provide policy and procedural guidance Occupational Health <ul style="list-style-type: none"> - Undertake OH referrals - Provide management advance on medical conditions and reasonable adjustments - Obtain medical records
Stage Two Outcome	<ul style="list-style-type: none"> - Stage 1 still live. Score is at least 150 plus 2 more absences or 1 absence of at least 1 days. - 2 Stage One's issued within last 2 years. 	Stage Two is considered by a more senior manager. Same as Stage One, plus: <ul style="list-style-type: none"> - Refer to OH for medical advice as appropriate - Refer to HR for procedural advance. - Make clear that dismissal will be considered at next stage. 	Same as Stage One, plus: <ul style="list-style-type: none"> - Expand on any medical circumstances that need to be considered. - Make known any absences that may be related to disability. 	HR Support <ul style="list-style-type: none"> - Check that all reasonable adjustments have been implemented. - Support manager through process and at meetings. Occupational Health <ul style="list-style-type: none"> - Provide/obtain up to date medical information as required.
Stage Three Dismissal Consideration	<ul style="list-style-type: none"> - Stage 2 still live. Score is at least 150 plus 2 more absences or 1 absence of at least 10 days. - Two Stage 2's issued within last 2 years. 	Stage Three is considered by a more senior manager. Same as at Stage One and Two, plus: <ul style="list-style-type: none"> - Must obtain up to date medical advice on which to base decision - Consider all options/alternatives to dismissal - Confirm to the employee that dismissal is being considered 	Same as at Stage One and Two, plus: <ul style="list-style-type: none"> - Provide consent to enable access to your most recent medical information. This will ensure that appropriate decisions are made. - Arrange representation 	HR Support <ul style="list-style-type: none"> - Support and advise manager on options and risks Occupational Health <ul style="list-style-type: none"> - Provide / obtain up to date medical information as required

Section F: Managing long term absence (including dismissal)

	Manager Accountabilities	Employee Responsibilities	HR / OHU Support Available
Absence has continued for at least 20 days	<ul style="list-style-type: none"> - Maintain regular contact with the employee - Refer case to OHU if not already done so at day 20 - Consider how a return to work can be facilitated by the business and the employee - Discuss progress and outcome of OHU referrals and recommendations - Maintain contact every two weeks or as agreed 	<ul style="list-style-type: none"> - Maintain contact with your manager - Fully engage with the process and be receptive to ideas - Ensure up-to-date absence information is provided to manager, including fit notes - Consider how a return to work can be facilitated and what adjustments may need to be considered 	<p>Occupational Health Unit</p> <ul style="list-style-type: none"> - Undertake case referrals - Provide management advice on medical conditions and reasonable adjustments - Obtain medical reports <p>Human Resources</p> <ul style="list-style-type: none"> - Provide policy and procedural guidance
Absence at 5 months at the latest	<ul style="list-style-type: none"> - Assess case and recent medical information with HR - Consult with HR/OHU regarding the future prospects of the employee and likelihood of a return to work in the near future. - Decide how the case should be managed. - Advise the employee that dismissal may be considered and discuss alternatives to dismissal. 	<ul style="list-style-type: none"> - Provide fortnightly updates on medical progress. - Work with manager to identify practical solutions and a way forward. 	<p>Human Resources</p> <ul style="list-style-type: none"> - Check that redeployment and all reasonable adjustments have been considered. - Support manager through process and at meetings. <p>Occupational Health Unit</p> <ul style="list-style-type: none"> - Provide/obtain up to date medical information as required.
Absence at 8 months at the latest	<ul style="list-style-type: none"> - In consultation with HR, the manager must decide if it is reasonable for the business to continue to wait for the employees' return to work. - Must obtain up to date medical advice on which to base decision. No more than 3 months old. - Consider all alternatives to dismissal including Ill Health Retirement where applicable - Confirm to the employee that dismissal is being considered. - In consultation with HR, initiate termination of employment. 	<ul style="list-style-type: none"> - Provide consent when requested, to enable access to your most recent medical information. This will ensure that appropriate decisions are made. - Arrange representation 	<p>Human Resources</p> <ul style="list-style-type: none"> - Guide manager through process and support at formal meetings. - Support and advise manager through termination process. <p>Occupational Health Unit</p> <ul style="list-style-type: none"> - Provide/obtain up to date medical information as required.

