

Attendance

Summary

The governing body recognise the importance of good working relationships with employees and seek to ensure that concerns with absence are dealt with in a fair and timely way.

Improvement may be required from employees in relation to attendance.

It is recognised that in the case of long-term absence, a return to work may not be possible in all circumstances due to the employee's condition and this policy seeks to address the options on these rare occasions.

This is a model policy which provides a structured process for the school to handle concerns when problems with employees' attendance are considered serious or previous improvement has not been sustained and/or is insufficient.

It is based on the principles of the ACAS Code of Practice (No.1) on 'disciplinary and grievance procedures' and current employment and educational legislative requirements.

Please note if the school has purchased legal insurance which covers employment issues you should refer to the terms and follow any requirements of the policy.

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Who does this policy apply to?

It applies to the following employees:

- support staff employed by the school
- teachers employed by the school
- teachers in residential schools/establishments

What is the aim of the policy?

This policy provides a framework for managers to manage:

- An employee's unacceptable level of short-term absence to encourage a high attendance level.
- An employee's long-term absence supporting their recovery and return to work.
- The rare occasions where an employee cannot return to work. whilst,
 - Promoting fairness and transparency in the treatment of employees.
 - Ensuring that acceptable standards are maintained.

For capability concerns regarding performance at work refer to the [Capability Policy](#).

Are there links with other policies or procedures?

There are links with the following policies and procedures.

- [Sickness Absence Policy \(Teachers\)](#)
- [Sickness Absence Policy \(Support Staff\)](#)

When should informal action be taken?

Informal action would normally be taken when an employee has had:

- Periods of short-term absence when there is otherwise a history of good attendance.

- A period of long-term absence where the prognosis is good and a return to work is expected within 12 weeks and there is otherwise a history of good attendance.

For teachers informal action should normally be managed as part of the appraisal process. This could also apply to support staff. Action to address the situation should be taken as soon as there appears to be a concern about an employee's absence and should not be delayed until the next planned appraisal meeting.

Employees are expected to take responsibility for maintaining acceptable attendance levels.

When should formal action be taken?

Formal action should be taken when the employee has:

- Repeated periods of short-term absence and attendance are deemed unacceptable following informal action.
- A previous formal warning on file for attendance that is still current and there continues to be a concern.
- A period of long-term absence where the prognosis is good, but a return to work is not expected within 12 weeks.
- A period of long-term absence in addition to an attendance history that is deemed unacceptable.

No formal action should commence against a trade union representative until the circumstances of the case have been discussed with the appropriate branch or full-time officer, with the prior permission of the employee. If the employee does not wish there to be any prior discussion with the branch or full-time officer then formal action will proceed in the normal way under this procedure.

What are the requirements for an investigation?

An investigation is the gathering of information relating to a concern about absence. The manager will investigate, or arrange for an investigation, to establish the facts. An investigation must be carried out prior to calling a [formal meeting](#) and will usually include a discussion with the employee about the issue.

The investigator will produce a report which will summarise the situation to date, any medical advice that has been received and the impact of the absence issue on the workplace. Relevant documentation will be attached to the report.

Is there a right to representation?

The employee has a right to be represented/supported by a trade union representative or workplace colleague during formal Attendance Policy meetings.

If the employee's representative is unavailable for any of the formal meetings, an alternative date (usually within five working days) will

	<p>be arranged. There will normally be only one postponement allowed for this reason. If the representative subsequently becomes unavailable for the re-arranged meeting the employee may be advised they will need to find a different representative. Where the employee is represented by a trade union it will be the union's responsibility to ensure an alternative representative is provided.</p>
<p>Who can conduct a formal meeting?</p>	<p>The head teacher, a governor, the head teacher and governor(s) or a panel of governors can conduct a formal meeting. The governing body may delegate responsibility for formal action including the decision to dismiss, to the head teacher. However, the head teacher cannot take dismissal decisions if they have been directly involved in making decisions on formal warnings leading up to dismissal.</p> <p>For the formal stages up to stage two, the conduct of formal meetings and the issuing of warnings may be delegated to an appropriate member of the leadership team e.g. business manager for support staff. Where the head teacher is the subject of the formal meeting the governing body may delegate responsibility for formal action to a governor (normally the chair of governors) or more than one governor. The governor(s) cannot take dismissal decisions if they have been directly involved in making the decisions on previous formal warnings leading up to dismissal.</p>
<p>What is the role of governors?</p>	<p>A panel of governors (normally three) will conduct any appeal.</p> <p>Where collaborative arrangements with another governing body are in place regarding staff attendance, governors from any of the collaborative schools may be delegated to hear a formal meeting or appeal. One or more governors will conduct the formal stages for a head teacher.</p>
<p>What is the role of GCC and the diocese?</p>	<p>A representative from GCC is entitled to attend and provide advice at all proceedings in Community, Community Special, and Voluntary Controlled schools, relating to any decision that someone working at the school should be dismissed. GCC will confirm the dismissal decision.</p> <p>The diocese, through a representative, may be given the right to attend proceedings to give advice for Voluntary Controlled church schools.</p> <p>In Foundation and Voluntary Aided schools, the governors may give GCC rights of attendance. These rights should be the same for the diocese in a voluntary aided church school.</p> <p>The governing body or, where formal action has been delegated, the head teacher, must consider any advice given by the GCC and/or diocesan representative before a decision to dismiss is made.</p>
<p>What is formal</p>	<p>Although there is an expectation that formal action is generally</p>

action?

progressive, formal action may start at either of the first two stages, dependent on the circumstances and the severity of the situation. There may be exceptional circumstances when the first formal action is taken at stage three, for example where the employee has been declared medically unfit for their role.

At each stage a formal meeting will be arranged with the employee. See '[What arrangements are made for the meeting](#)'? There will be an outcome from the formal meeting which may include support, training and/or an [action plan](#). If the concern is established the outcome should be a warning and financial sanction (i.e. withholding an increment for support staff or preventing progression to the next pay point/grade for teachers) and ultimately dismissal. The outcome will be confirmed in writing to the employee within three working days of the decision, including:

- The nature of the concern.
- The required improvement.
- Support arrangements.
- The monitoring arrangements and if appropriate a review date.
- What will happen if there is no, or insufficient improvement, and the formal action that could be taken.
- How long the warning will remain in force.
- Any effect on pay.
- The right of appeal.

The stages of formal action and potential sanctions are given below:

Formal Stage	Maximum level of sanction
One	Oral warning and withholding an increment for support staff and preventing progression to the next pay point/grade for teachers.
Two	First or final written warning and withholding an increment for support staff and preventing progression to the next pay point/grade for teachers.
Three	Dismissal.

Stage One

If at any point during this stage, the evidence suggests a more serious issue; a decision may be taken to move directly to stage two.

If improvement is not achieved at this stage, or sustained thereafter, then it is likely to result in progression to stage two.

A decision can be made at this stage to withhold any incremental

or salary progression at the next salary review date.

Stage Two

A first or final written warning may be issued during this stage depending on the seriousness of the issue.

If improvement is not achieved or sustained at this stage then it is likely to progress to stage three and may result in a final written warning or, ultimately, dismissal.

A decision can be made at this stage to withhold any incremental or salary progression at the next salary review date.

Stage Three

This stage may result in dismissal. Any notice will be in line with normal contractual arrangements or statutory notice depending on which is greater.

If an employee appeals against an outcome, the sanction will remain in place until the outcome from the appeal is known.

What arrangements are made for the formal meeting?

The manager should make it absolutely clear to the employee that formal action is being taken.

- The employee should be notified in writing, giving details of the meeting and the matters to be discussed at least five working days beforehand. For a formal meeting where dismissal is being considered at least 10 working days notice should be given to school staff.
- The letter should include a copy of the Attendance Policy, details of the right to representation and two copies of the documents to be discussed at the meeting. The additional copy is for the representative. If you know who the representative is the documentation can be sent directly to them, provided the employee has agreed to this.
- The letter must state the formal stage at which the meeting is being held and the potential outcome/ formal sanction that may result.
- The employee will need to be advised that they must provide any documentation in sufficient time to allow papers to be distributed to the chairperson or panel also providing time for them to read the documentation prior to the formal meeting. However there may be particular circumstances where this is not possible and in these cases the employee should contact their manager to make appropriate arrangements. For a formal meeting where dismissal is being considered, the employee must ensure the school receives any documents at least five working days before the meeting to ensure there is sufficient time for all parties to receive the final bundle of documents at least three working days prior to the formal meeting. This allows time for all parties to read and

	<p>understand the content of the bundle prior to the formal meeting.</p> <ul style="list-style-type: none">• Any formal action taken and the reasons for the decision will be confirmed in writing to the employee, including details of how they can appeal. The employee should be informed of the consequences of failing to improve sufficiently within the set period following a final warning, including confirmation that it may result in dismissal.• An action plan for improvement should either be issued with the decision letter or follow shortly after.
	<p>Any formal meeting for a long-term sickness absence will focus on reviewing available medical advice and any prognosis for recovery and the basis for any return to work.</p>
What is an action plan?	<p>Action plans are developed to suit the individual circumstances and will vary, but would normally include clear expectations regarding work standards and practices, the criteria for success, time scales for improvement and the support which has been agreed.</p> <p>Whilst it is for the manager to determine the criteria it is important for the employee to understand what is required to achieve success and to help identify ways in which they can be supported. Any agreed support should form part of the action plan including the person responsible for making any arrangements. Employees are expected to engage fully with any agreed support.</p> <p>Should an action plan not be met, an employee would normally progress through the formal action stages of the Attendance Policy and ultimately could be dismissed.</p>
How is the action plan reviewed and monitored?	<p>Arrangements for monitoring and review will be agreed as part of the action plan.</p>
What happens if the employee is dismissed?	<p>For Community, Voluntary Controlled and Special schools, the Governing body will send an instruction to GCC and the dismissal notice will come from GCC.</p> <p>Foundation and Voluntary Aided schools are responsible for issuing the dismissal notice to their own employees.</p> <p>Any notice period following dismissal will be in accordance with the employee's contractual arrangements, or the statutory period, whichever is greater. The employee will receive normal pay throughout the period of notice.</p>
Is there a right of appeal?	<p>Yes, at each formal stage.</p> <p>Employees who wish to challenge the outcome of a formal meeting</p>

have the right of appeal as specified in the warning or dismissal letter. Whilst the outcome of the appeal is pending, an action plan, warning or dismissal will remain in force.

The appeal letter must be received within five working days of the issuing date of the outcome letter and clearly specify the full grounds of the appeal including why and in what respects the decision of the original meeting was unreasonable. The appeal needs to be sufficiently clear to enable the manager/governor(s) whose decision is being appealed (those who conducted the formal meeting) to respond at the appeal meeting. The appeal is not a rehearing of the case but is a review of the reasonableness of the decision.

Any supporting documents or information should be provided with the appeal letter. If this is not possible, documents should be submitted to allow reasonable time for the employer to prepare their case and collate, paginate and distribute the bundle for receipt by all parties at least three working days before the appeal meeting.

Where the appeal period overlaps with a pre-determined holiday period e.g. out of term-time for term-time only employees, the letter of appeal needs only to register the intention to appeal. However a fully detailed letter should arrive within five working days following the end of the holiday period.

A committee of three governors not previously involved with the case will conduct appeal meetings. Where there has been an appeal at an earlier stage of the procedure, the same governors may conduct the appeal.

Arrangements for the appeal meeting should normally be notified to the employee within 10 working days of receipt of the request for an appeal. The employee should be reminded of the right to be accompanied by a trade union representative or workplace colleague.

The appeal hearing will be restricted to considering the reasonableness of the decision; it does not involve a full re-hearing of the case.

At an appeal, the original outcome imposed will be reviewed and may be amended or withdrawn but it cannot be increased.

The decision of the appeal panel will be final, and will be confirmed in writing to the individual. Should the outcome of the appeal change the original decision, the committee will need to make clear the terms of and reasons for the decision.

If an appeal is successful at any of the stages, any outcome will be amended or withdrawn without any detriment. In the case of dismissal, there will be no detriment to pay or service.