



# Staff Attendance Policy

Policy and procedure for managing long term, short term and persistent absence.

Our vision is to enable all to flourish.

Status and review cycle:	2 yearly
Responsible group:	Trust Board
Reviewed:	January 2025
Next Review Date:	January 2027

## **Statement of intent**

The Diocese of Gloucester Academies Trust is an organisation with a Christian foundation. The ethos, values and relationships of the Trust and its schools are central to upholding the values of the foundation. The Trust is committed to maintaining the health, safety and welfare of its staff, seeks to provide a positive and healthy working environment, and recognises the value of its employees' work-life balance. Regular attendance at work is an integral part of each employee's contract of employment; however, it is recognised that employees will, on occasion, have genuine and acceptable reasons to be absent from work. On those occasions, the Trust will aim to support an employee during the period of absence, with the aim of assisting their return to work at the earliest opportunity.

This policy outlines provisions to minimise absence levels and provides information on how we may support those employees who are unable to attend work due to ill health.. This policy also aims to provide a fair and consistent framework for managing attendance and informs all employees of their responsibilities regarding attendance at work.

In accordance with its obligations under the Equality Act 2010, the Trust will make all reasonable efforts to allow employees with a disability to continue their employment.

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## **1.0 Introduction**

- 1.1 The Trust Board recognises the importance of managing attendance in a supportive manner, promoting fairness and transparency in the treatment of employees and ensuring that acceptable standards are sustainable and maintained.
- 1.2 This policy is based on the principles of the ACAS Code of Practice on discipline and grievance and current employment and educational legislative requirements.
- 1.3 The policy applies to the following employees:
  - Support staff: where there are concerns which informal action has been unable to address or which are serious enough to require formal action
  - Teachers: where there are concerns which the appraisal process has been unable to address, or which are serious enough to require formal action
  - Central team: where there are concerns which the appraisal process has been unable to address, or which are serious enough to require formal action
- 1.4 This policy provides a framework for the headteacher/line manager to manage:
  - An employee's unacceptable level of short-term absence to encourage a high attendance level
  - An employee's long-term absence to support their recovery and return to work
  - The occasions where an employee cannot return to work
- 1.5 For further information on how to support employees through sickness absences, including assisting with their return to work, please refer to the Trust's Sickness Absence Policy.
- 1.6 This policy does not form part of any employee's contract of employment and is entirely non-contractual. It may be amended, withdrawn, suspended or departed from at the discretion of the Trust at anytime.

## **2.0 Informal action**

- 2.1 Informal action would normally be taken when an employee has had:
  - Periods of short-term absence that are of concern to the Headteacher/line manager, such as recurring patterns of absence
  - 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
- 2.2 Informal action to address the situation should be taken as soon as a concern arises about an employee's absence and should not be delayed. For teachers, informal action should be taken straight away but should also be discussed as part of the teachers' performance management process regular meetings. A similar process can be used for support staff and central team staff members appraisals via one to one/supervisory meetings.

- 2.3 Informal action may include:
- An in-depth return to work meeting,
  - A verbal warning, and
  - The reinforcement of expectations surrounding an employee's attendance
- 2.4 Expectations agreed during a return-to-work meeting will be set to suit the individual circumstances, but would normally include the criteria for success, time scales for improvement and support available.
- 2.5 Whilst the line manager determines the criteria, it is important that the employee understands what is required to achieve success and helps to identify ways in which they can be supported. Arrangements for monitoring and review will be agreed.
- 2.6 If improvement is not achieved at this stage, or sustained, then progression to formal action may be taken.

### **3.0 Formal action**

- 3.1 Formal action should be taken when the employee has:
- Repeated periods of short-term absence and attendance which does not meet the required standard following informal action
  - A period of long-term absence where a return to work is not expected within 12 weeks
  - A period of long-term absence in addition to an attendance history that does not meet the required standard
  - Previous formal warnings on file for any reason that are still current and there is a continued or new performance concern
- 3.2 Any formal meeting for a long-term sickness absence will focus on reviewing available medical advice, prognosis for recovery and likely timescale for any return to work.
- 3.3 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.
- 3.4 Although there is an expectation that formal action is generally progressive, formal action may start at either of the first two stages, dependent on the circumstances of the situation. There may be exceptional circumstances when formal action is initially taken at stage three (without having gone through stage one or two), for example where the employee has been declared medically unfit for their post having been assessed for ill health retirement.
- 3.5 At each stage, a formal meeting will be arranged with the employee. Further information regarding formal meetings can be found in section 5.

- 3.6 If the concern is established the outcome would normally result in a warning and sanction or ultimately dismissal. The maximum warning for each stage is detailed in the table below, however there is the flexibility to apply lesser sanctions if appropriate (i.e. issuing a first written warning at a stage two meeting, if the concern was not enough to warrant a final warning as detailed).
- 3.7 Sanctions (including associated financial outcomes) will not disproportionately impact employees covered under the Equality Act 2010, for instance in some circumstances it may be that trigger points are altered as part of a reasonable adjustment towards disability related absences. This will be treated on a case-by-case basis.
- 3.8 The stages of formal action and potential sanctions are given below:

<b>Formal Stage</b>	<b><u>Maximum</u> level of sanction at each stage</b>
One	Could lead to a first written warning. Withholding an increment for support staff and preventing progression to the next pay point/grade for teachers.
Two	Could lead to a final written warning. Withholding an increment for support staff and preventing progression to the next pay point/grade for teachers.
Three (will normally progress to this stage after a final written warning has been issued at stage two).	Could lead to dismissal.

3.9 Stage One overview:

- This will usually be conducted by the line manager/headteacher.
- The warning cautions the employee that if their absence record does not improve, it may be necessary to consider further formal warnings, up to and including dismissal. An action plan may be written.
- A decision can be made to issue a first written warning at stage one depending on the severity of the issue
- If improvement is not achieved at this stage, or sustained thereafter, then progression to stage two is likely
- A decision can be made at this stage to withhold any incremental or salary progression at the next salary review date.
- For further guidance on Stage 1 absence meetings see Appendix I

3.10 Stage Two overview:

- This will usually be conducted by the line manager/headteacher.

- A decision can be made to go straight to stage two (without a first warning being in place) depending on the circumstances of the attendance issue
- The maximum sanction at this stage is a final written warning. An action plan will be written.
- A decision can be made at this stage to withhold any incremental or salary progression at the next salary review date.
- For further guidance on Stage 2 absence meetings see Appendix I

### 3.11 Stage Three overview:

- This will usually be completed by two of the following the headteacher/ CEO/DCEO/local governor or, for central staff, CEO/DCEO and a Trustee. It must be noted that the Headteacher or line manager cannot take dismissal decisions if they have been directly involved in making decisions on previous formal warnings.
- The maximum sanction at this stage is dismissal.
- Lesser sanctions can be applied if during the meeting it is concluded that the absence does not justify dismissal (i.e. final written warning). An action plan will be written.
- Any notice will be in line with normal contractual arrangements or statutory notice depending on which is greater.

### 3.12 The start date of the formal warning will commence when the related action plan and support programme is finalised. Therefore, any outcome will be confirmed in writing to the employee within three working days of the decision, including as appropriate:

- The nature of the concern
- The required improvement/expectations
- Support arrangements
- The monitoring arrangements and if appropriate a review date
- What will happen if there is insufficient improvement, including possible further formal action
- How long the warning will remain in force
- Any effect on pay
- The right of appeal

### 3.13 A written warning will remain live for the duration as set out in the outcome letter, usually 12 months.

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

## **4.0 Right to representation**

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

- 4.2 If the employee's representative is unavailable for any of the formal meetings, an alternative date (usually within five working days) will 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 and it is the union's responsibility to ensure an alternative representative is provided.
- 4.3 The employee does not have a specific right to be accompanied at an investigatory meeting by a trade union representative or workplace colleague. However, it is recommended they be given the opportunity to be accompanied if there is the possibility of formal action being taken at a later date.

## **5.0 Formal meeting**

- 5.1 The headteacher or the line manager will conduct formal meetings at stage 1 and 2.
- 5.2 For the formal stages up to stage two, the holding of formal meetings and the issuing of warnings may be delegated to an appropriate member of the leadership team e.g. deputy or assistant headteacher
- 5.3 At stage 3 the meetings will be conducted by two of the following the headteacher/ CEO/DCEO/local governor or CEO/DCEO and a Trustee for central staff. It must be noted that the Headteacher or line manager cannot take dismissal decisions if they have been directly involved in making decisions on previous formal warnings.
- 5.4 Where the headteacher is the subject of the formal meeting, the Trust Board delegates responsibility for formal action to the CEO.
- 5.5 The headteacher, line manager or CEO cannot take dismissal decisions if they have been directly involved in making decisions on previous formal warnings. And where practicable, different people should carry out the investigation and disciplinary hearing.
- 5.6 The line manager should make it clear to the employee that formal action is being taken:
- At least five working days' notice will be given to the employee attending the formal attendance meeting. For a formal meeting where dismissal is being considered, at least 10 working days' notice should be given.
  - The letter should include details of the right to representation, the Attendance Policy and the documents to be discussed at the meeting (i.e. absence report). There should be an additional copy for the representative that the employee can send, or it can be sent directly to the representative if the employee has advised the school who their representative is, provided the employee has agreed.
  - The letter must state the formal stage at which the meeting is being held and the potential outcome/sanction that may result.
  - The employee must be given a date by which to provide any documentation to support their case (five working days). Sufficient time should be given to allow papers to be distributed to the chairperson/panel to be read prior to the formal meeting. If this is not possible they should contact a relevant person 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 all parties receive the final bundle of documents in advance. This allows time for all parties to read the content of the bundle.
  - Any formal action taken and the reasons for the decision will be confirmed in writing to the employee, including details on how they can appeal. The employee should be informed of the consequences of failing to improve in line with the agreed levels of attendance within the set period following a final warning, including confirmation that it may result in dismissal.
- 5.7 It is good practice to make a note of informal meetings to inform future proceedings. Where a formal meeting takes place, minutes must be taken. Where dismissal is a potential outcome, minutes should be kept and consideration should be given to having a note-taker present. Employees are not permitted to make their own audio recording of an attendance meeting.

## **6.0 Action plan**

- 6.1 Action plans are developed to suit individual circumstances but would normally include clear expectations regarding work standards and practices, the criteria for success, time scales for improvement and any agreed support and review arrangements. The employee may be given the opportunity to discuss the content of this plan with their trade union representative before agreeing to it.
- 6.2 Whilst it is for the headteacher or line manager to determine the criteria it is important for the employee to understand what is required of them and to help identify potential support. Employees are expected to co-operate with the process and engage fully with any agreed support.
- 6.3 Should the employee not achieve a successful outcome following the action plan they would normally progress to the next stage of the attendance policy, and ultimately could be dismissed.
- 6.4 Arrangements for monitoring and review will be agreed as part of the action plan.

## **7.0 Dismissal**

- 7.1 In all cases, the Head of Governance and People will send the employee a dismissal notice.
- 7.2 Where dismissal is with notice, any notice period 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.

## **8.0 Right of appeal**

- 8.1 There is a right of appeal at every stage of the formal absence process as specified in the warning or dismissal letter.
- 8.2 The appeal is not a rehearing of the case but is a review of the reasonableness of the decision. Determining reasonableness may include consideration of procedural

irregularities or any relevant new evidence which could not have been available at the time of the formal meeting.

- 8.3 Whilst the outcome of the appeal is pending, any action plan, warning or dismissal will remain in force.
- 8.4 The appeal letter must be received within five working days of the date of the outcome letter and should specify the 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 initial chair whose decision is being appealed to respond at the appeal meeting.
- 8.5 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.
- 8.6 Where the appeal period overlaps with a pre-determined holiday period (i.e. out of term-time for term-time only employees), the letter of appeal needs only to register the intention to appeal. A fully detailed letter should arrive within five working days following the end of the holiday period.
- 8.7 A panel of up to three local governors not previously involved with the case will conduct appeal meetings for stage one and stage two appeals. For appeals at stage three a panel of up to three Trustees not previously involved with the case will conduct the appeal. Where there has been an appeal at an earlier stage of the procedure, the same governors or Trustees may conduct the appeal.
- 8.8 Arrangements for the appeal meeting should normally be notified to the employee within ten working days of receipt of the request for an appeal and should confirm the right to be accompanied by a trade union representative or workplace colleague.
- 8.9 At appeal, the original sanction will be reviewed and may be confirmed, amended or withdrawn but cannot be increased.
- 8.10 The decision of the appeal panel will be final, and will be confirmed in writing to the individual within three working days. Should the outcome of the appeal change the original decision, the panel will need to make clear the terms of and reasons for the decision.
- 8.11 If an appeal is successful, any outcome will be amended or withdrawn without any detriment to the employee. In the case of dismissal, there will be no detriment to pay or continuous service.

## **9.0 Headteacher sickness absence**

- 9.1 In the case of headteacher sickness absence, the absence management procedure will be managed by the CEO .
- 9.2 All sickness absence hearings relating to the headteacher's sickness absence will be conducted by the CEO and any subsequent appeal by a panel of three Trustees.

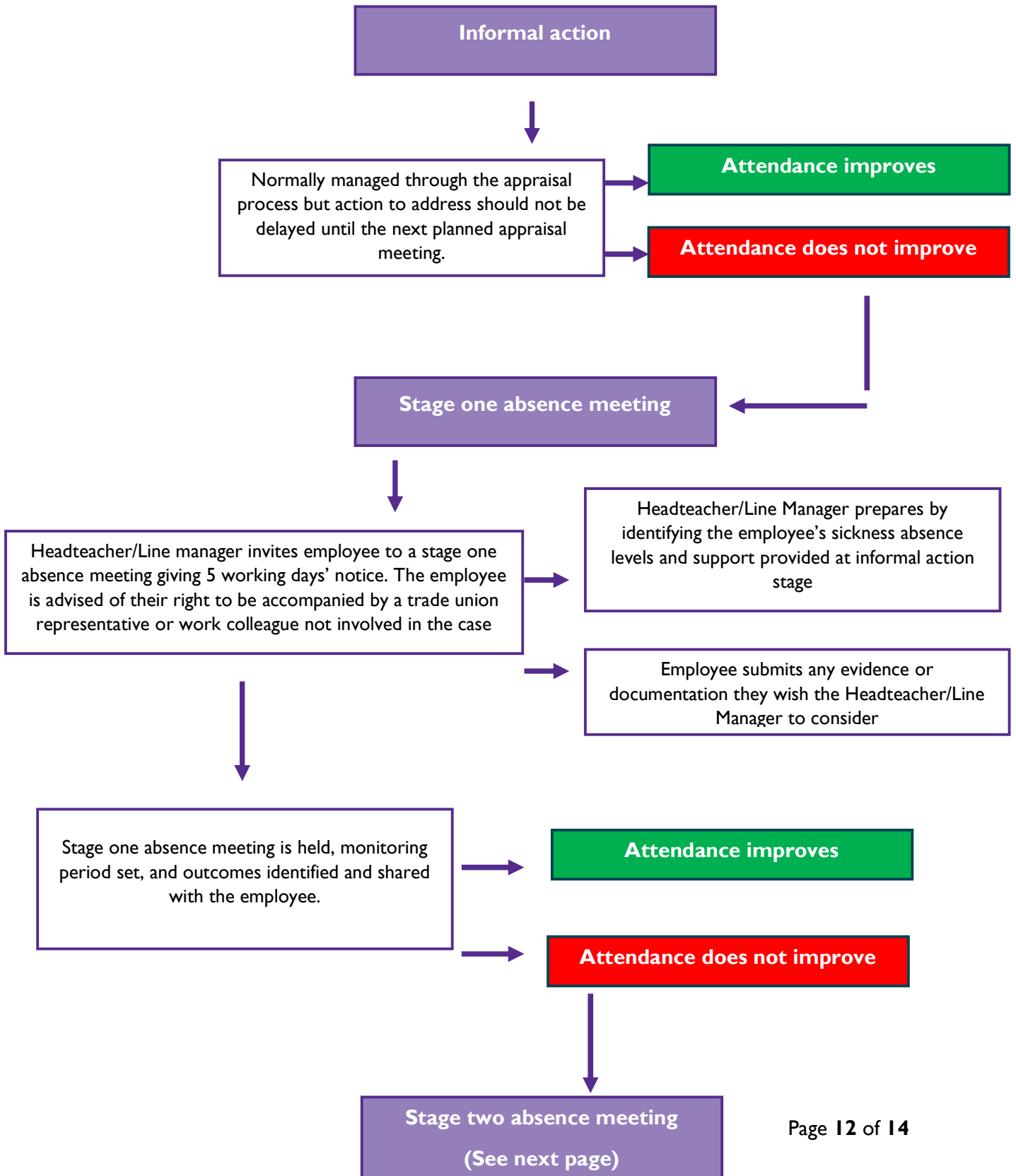
## **10.0 Monitoring and review**

10.1 This policy will be reviewed bi-annually by the CEO and ratified by the Trust Board.

10.2 Any changes made to this policy will be communicated to all stakeholders.

## Appendix I - Appeals process flow chart

An appeal can be made at each formal stage of the attendance management process as a result of a warning or dismissal.



## Stage two absence meeting

If the staff member's attendance drops below the required level within the set monitoring period, their line manager will ask the employee to attend a stage two absence meeting, giving 5 working days' notice. The employee is advised of their right to be accompanied by a trade union representative or work colleague not involved in the case

Stage two absence meeting is held. The Headteacher/Line manager will fully record details of the meeting and send a letter to the staff member confirming details of the meeting.

**Attendance improves and informal monitoring**

**Attendance does not improve**

## Stage three absence meeting

If the staff member's attendance drops below the required level within the set monitoring period, the Headteacher/CEO will ask the employee to attend a stage three absence meeting, giving ten working days' notice. The employee is advised of their right to be accompanied by a trade union representative or work colleague not involved in the case

Employee submits any evidence or documentation they wish to present at the hearing at least three working days before the hearing.

Stage three absence meeting is held to consider whether the staff member is capable of continuing employment with the school in the light of their health, their attendance and their ability to perform the role with reasonable effectiveness.

## Formal attendance management appeals process

An appeal can be made at each formal stage of the attendance management process as a result of a warning or dismissal.

If the Trust/school decides to terminate the staff member's employment on the grounds of the above, the employee will be informed of the school's decision to dismiss in writing by the HoGP and the employee will be advised of their right of appeal.

Appeal is received in writing within five working days of receiving the outcome of an attendance meeting and will clearly specify the full grounds of appeal.

The employee will submit any supporting documents or evidence not provided with the appeal letter in time 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 of appeal should arrive within five working days following the end of the holiday period.

Arrangements for the appeal meeting will 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 relevant panel of local governors or Trustees (see 8.7) previously involved with the case will conduct the appeal meeting. At an appeal, the original outcome imposed will be reviewed and may be amended or withdrawn but it cannot be increased.

Minutes of the appeal meeting will be taken.

The decision of the appeal panel will be final and will be confirmed in writing to the individual.