

LNCT

Fife Local Negotiating Committee for Teachers



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Attendance Management for Teaching Staff

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Shelagh McLean (Management Side)
Jane McKeown (Teachers' Side)
LNCT Joint Secretaries



Attendance Management for Teaching Staff

Procedure

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1 Introduction

The Council believes that supporting high levels of teaching staff attendance is of particular importance in providing a high quality and effective Education Service. This procedure recognises the operational needs of Fife's schools and educational establishments to promote attendance and ensure a fair and sympathetic treatment of teachers. It provides an accepted basis for management action and support when dealing with a teacher's sickness absence.

Detailed "*How To*" Guides are also available for the main stages of the process. A flow diagram of the attendance management procedure is attached as Appendix 1 for information.

****Where the document refers to headteacher this refers to headteacher, line manager or other appropriately nominated member of staff.**

2 Notification and Certification Requirements

For each occasion of sickness absence teaching staff must fulfil the notification and certification requirements set out in the SNCT Handbook of Conditions of Service. These requirements are as follows: -

1. On the first day of absence due to illness the teacher must report their absence using the agreed reporting procedure i.e. telephone call to the school or direct notification to their headteacher.
2. On the fourth day of absence the teacher shall notify the school directly to advise them of their continuing absence and whether it is likely to extend beyond 7 days. A teacher who is absent between four and seven days (including weekends and non-working days) is required to complete a self-certification form, and this is achieved automatically when a teacher ends their absence using the agreed council system a paper certificate is no longer required.
3. Where the absence extends beyond 7 calendar days the teacher shall submit either a Fit Note signed by a General Practitioner/other healthcare professional or a medical certificate (Form MED10) from a hospital to cover the period after the seventh day. Where further Fit Notes are received extending the period of the same absence, these should be submitted timeously.
4. During longer periods of sickness absence, the teacher should maintain regular contact with the headteacher to discuss their progress. In certain cases, it may be more appropriate for the teacher to maintain contact through a third party.

In all cases schools should endeavour to have critical contact procedures in place to allow specific instructions regarding classes to be passed to the relevant department.

A teacher must fulfil all of the notification and certification requirements set out above in order to be entitled to sickness allowances.

Headteachers must ensure that all teachers are made aware of the notification and certification requirements. In particular, new teachers should be fully informed of these requirements as part of the induction process.

Where a teacher fails to comply with these requirements, entitlement to payment of sickness allowances may be lost and disciplinary action may result. See AM11 HR How to Notification Certification on the intranet/HR Online/Attendance Management.

3 Contact with Teaching Staff

It is good management practice to maintain contact with absent teachers whether their absence is of a short- or long-term nature. In certain cases, the Headteacher may consider it more appropriate to maintain contact through a third party. The nature of the contact should be agreed during the first contact.

Any contact should be handled sensitively and with due consideration for the nature of the illness. Contact by telephone and/or letter may be appropriate in many cases. Any meetings should be at the teacher's place of work or at another Council building.

Managers should ensure they maintain regular contact with the teacher throughout the period of absence.

Home visits should only be arranged with the agreement of the teacher. See AM15 HR How to Home Visits on the intranet/HR Online/Attendance Management.

4 Return to Work

Teachers must be contacted by a nominated member of staff on their return to work after each absence. The contact should be used to confirm that the teacher is fit to return to work. It can be used to reinforce the notification/certification procedures and to ensure that the appropriate paperwork is completed. The discussion should be informal and supportive. It should be conducted in private and be carried out as soon as is practical after the absence.

In cases of long-term sickness absence, the interview should be used to allow consideration of any particular difficulties or concerns the teacher may have relating to their return to work following a prolonged absence.

5 Short Term Absences

When the Procedure should be used

This section should be used to manage all sickness absence apart from long term/continuous absences.

5.1 Trigger Levels

Absence statistics are monitored on an ongoing basis. The 'trigger' has been set as a range of absences from work. The lower 'trigger' level is the point at which sickness absence may become a cause for concern and may trigger management action starting with an Attendance Review Meeting. The upper trigger level is set at a point which will always require management action. Between these levels, Headteachers should assess each case carefully, taking account of individual circumstances.

Managing People

Headteachers should use these guidelines to assess the appropriate action in each case:

Lower trigger level: Consideration of whether to call an Attendance Review Meeting should be given if there have been short term absences totalling 12 working days in a rolling year and/or three absences within a rolling six months.

However, teaching staff who normally have a good attendance record but whose attendance pattern has been highlighted in a particular review period as a result of absences which are already well understood (e.g. a specific injury/illness, a broken limb or a bout of illness due to influenza) need not necessarily be interviewed.

Upper trigger level: Where a teacher's short-term absences total 18 working days in a rolling year and/or five absences within a rolling six months an Attendance Review Meeting is required to take place, if for no other reason than to ensure the Headteacher is meeting their duty of care. Teachers with less than a year's service may be assessed on a part year with trigger levels pro-rated.

Headteachers may also take appropriate action before trigger levels are reached, for example where a number of absences occur within a short period of time or where an unusual pattern of absence is noticed.

See AM34 HR How to Trigger Levels – Teaching Staff on the intranet/HR Online/Attendance Management.

5.2 Attendance Review Meeting

Where the lower trigger point is reached the Headteacher should consider holding an Attendance Review Meeting with the teacher to discuss the most appropriate action. Where the upper trigger point is reached an Attendance Review Meeting must be held with the teacher. The teacher's level of absence and reasons for absence should be discussed. Detailed discussions of medical conditions may not be appropriate. The improvement in attendance required should be explained. Possible ways of reducing absence and any support that can be offered should also be discussed. If appropriate a medical referral should be arranged (see Section 5.3). The decision to refer should normally be agreed between the employee and the Headteacher either of whom can seek advice from Human Resources or the appropriate trade union. Where such a referral is considered necessary, Human Resources should be involved in subsequent meetings.

It may be appropriate to establish a review period during which the member of staff's attendance would be monitored to assess the effectiveness of any support. This agreed review period will normally be 6 months. It may also be appropriate to advise the member of staff that, in the absence of any improvement in attendance following the provision of support, progression into the more formal stages of the process may not be avoidable.

See AM35 HR How to Hold an attendance stage meeting – Teaching staff on the intranet/HR Online/Attendance Management.

5.3 Occupational Health Referral

Action Following Interview

An occupational health report is an optional tool which may be used to check whether any action taken to manage poor attendance is appropriate and can also be used to identify appropriate support mechanisms. The Headteacher should share the report with the employee and a meeting should be arranged to discuss.

If the report states that the individual has a disability as defined by the Equality Act 2010 or any other relevant protected characteristic, reasonable adjustments should be investigated by the manager with guidance from HR.

See AM16 HR How to refer to occupational health, on the intranet/HR Online/Attendance Management.

5.4 Formal Stages

Stage 1, 2 and 3 Attendance Meetings

Following a sustained period of poor attendance, the Stage 1/2/3 Attendance Meeting process will start. At each stage a formal meeting should be arranged, and the circumstances should be discussed with the teacher. It is suggested that a Stage 1 hearing should be chaired by a Depute Headteacher, Stage 2 by the Headteacher and Stage 3 by the Education Manager. This arrangement may vary depending on the size of the school and the management structure. It is important that, where possible, a different manager chairs each stage of the process. Human Resources (HR) should also be in attendance at the Stage 3 hearing.

Following discussion, the teacher should be informed

- That their level of attendance is unacceptable and will be closely monitored and reviewed at regular intervals over fixed period.
- The likely next step if there is no improvement.
- That they have the right to be accompanied or supported by a professional association or work colleague.
- If the necessary level of attendance is achieved over the fixed period, there will be no further action and normal management monitoring of attendance will resume.
- The outcome of the meeting and the review and monitoring periods should be confirmed in writing.

If it becomes clear during the review period that attendance remains unacceptable, the teacher will progress to the next stage of the process. The usual minimum review period during each stage will be two months. (This is for guidance only – in extreme cases a pattern of non-attendance may require earlier action.)

The usual sequence of events will be (Example at stage 1):

- Stage 1 Attendance Meeting
- End of review period (e.g. 2 months later):

- If attendance is satisfactory, continue close monitoring for the remainder of the close monitoring period (e.g. 4 months)
- If attendance not satisfactory, consider moving on to the next stage.
- End of close monitoring period (e.g. 6 months):
 - If attendance is satisfactory, congratulate the teacher and return to normal monitoring.
 - If attendance not satisfactory, consider moving to the next stage.

The Stage 1 Attendance Meeting should set a close monitoring period of **6 months**.

The Stage 2 Attendance Meeting should set a close monitoring period of **12 months**.

The Stage 3 Attendance Meeting should set a close monitoring period of **18 months**.

If the necessary level of attendance is not achieved for the 18 months following the Stage 3 Attendance Meeting, dismissal should be considered.

See AM35 How to hold an attendance stage meeting – teaching staff, on the intranet/HR Online/Attendance Management.

Dismissal

Prior to a Capability Hearing, the following steps must have been taken:

1. Obtain an up-to-date occupational health report.
2. Meet with the teacher, and their representative, to:
 - Advise the teacher of the Medical Adviser's opinion;
 - Consider seriously any issues raised or comments expressed by the teacher or their representative,
 - Explore any appropriate options to dismissal, which would lead to acceptable attendance levels.
3. Further independent medical opinion must be sought where the teacher has provided written evidence from their Specialist that disagrees with the Council's medical report.
4. If other options are impractical, the teacher should be informed that
 - Their absences can no longer be accommodated and the reason(s) why this is the case;
 - They are required to attend a formal capability hearing where they may be dismissed on the grounds of capability due to sustained poor attendance. A manager with delegated authority to dismiss must conduct this meeting.
 - The decision to dismiss must be confirmed within 5 working days and the teacher advised of the right to appeal against that decision. They will have 10 working days from receipt of the letter confirming the outcome to submit any appeal.

See AM18 HR How to Capability Hearing on the intranet/HR Online/Attendance Management.

6 Long Term Absence

When the procedures should be used

Long term absence is a continuous absence for health reasons which lasts, or is likely to last, more than 4 weeks. This procedure should also be used for related absences caused by an identified long term health problem.

6.1 Initial Attendance Meeting / Review

In each case of long-term absence, the school management should review the circumstances surrounding the case to try to establish an understanding of the reason for the absence. This will normally result in an initial meeting with the teacher which should take place within 4 to 6 weeks of the start of the absence. For some illnesses it may be appropriate to start this procedure as soon as the first medical certificate is received; in particular for stress-related, back, or muscular-skeletal illnesses.

If, however, the injury/illness has a definable period e.g. a broken limb or recovery from surgery an initial absence meeting within 4 to 6 weeks is unlikely to be necessary. It is, however, important to maintain contact with the teacher so that action can be taken quickly if complications cause the recovery period to lengthen.

The purpose of the review and the meeting with the teacher will be to consider: -

- The teacher's current state of health
- The likely duration of the sickness absence
- The teacher's expectations concerning their future fitness to return to work
- A decision should be taken at this meeting on whether the teacher should be referred to occupational health

The teacher should be made aware during the attendance meeting of the reason(s) for the referral. A further meeting should be arranged to advise the teacher of the outcome of the medical referral.

See AM16 HR How to refer to occupational health, on the intranet/HR Online/Attendance Management.

Where a teacher is not permanently unfit then their case should be reviewed on a regular basis following the recommendations in the report where possible. The review process must continue until there is a return to work or it becomes clear that a return to work within a reasonable time-scale acceptable to management is not possible.

See AM40 HR How to long term absence – teaching staff, on the intranet/HR Online/Attendance Management.

6.2 Phased Return to Work – Rehabilitation Plan

Following a lengthy illness, or on medical advice, a “phased return to work” may be considered. This could take the form of a temporary reduction in hours or temporary alternative duties. The length of the phased return should be agreed in writing. This would not normally exceed six weeks. The teacher should suffer no loss of contractual earnings during the phased return.

See AM12 HR How to support a return to work rehabilitation plan - on the intranet/HR Online/Attendance Management.

6.3 Capability Dismissal due to Long Term Sickness Absence

A manager will arrange to meet the teacher and their representative to advise the teacher of the Medical Adviser’s opinion.

If a return to work within a reasonable time-scale acceptable to management is not possible, dismissal will apply. The teacher must be made aware that this is a possible outcome. Before a decision to dismiss on medical grounds is made the following steps must have been taken: -

1. A recent medical report has been obtained.
2. There has been discussion with the teacher and their representative, where appropriate.
3. Where appropriate alternative employment has been explored.
4. Where reasonable adjustments to the workplace and, or, job have been considered.
5. The possibility of dismissal has been raised in at least one previous attendance review/meeting.
6. Further independent medical opinion has been sought where the teacher has provided written evidence from their GP/Specialist that disagrees with the Council’s medical report.
7. All appropriate steps should have been taken to comply with the Equality Act 2010.
8. Appropriate advice has been given to the teacher on the process of making an application for ill health retirement through the Scottish Public Pensions Agency.
9. Due regard should be taken of the relevant paragraphs of the SNCT Handbook.

If the above alternatives to dismissal are impractical, the teacher will be offered the opportunity to attend a formal capability hearing where they may be dismissed on the grounds of capability due to ill health.

Even if the teacher indicates that they do not wish to attend such a hearing every effort should be made to ensure that the teacher is made aware that dismissal is the likely next step, and to investigate with the teacher how this might be avoided by a return to work. A manager with delegated authority to dismiss must conduct the capability hearing and or write to the teacher confirming dismissal.

The decision to dismiss must be confirmed within 5 working days and the teacher advised in writing of the right of appeal. They will have 10 working days from receipt of the letter confirming the outcome to submit any appeal.

See AM18 HR How to Capability Hearing - on the intranet/HR Online/Attendance Management.

6.4 Terminal Illness

Contact HR Direct for guidance. See AM22 How To Manager attendance for terminal illness - on the intranet/HR Online/Attendance Management.

7 General Principles

At each stage of the above procedures relating to both short and long term absence, the following general principles should be adopted:

- While every effort be made to support the teacher to return to work, the consequences of failure to achieve a satisfactory level of attendance will be made clear.
- The main points of the meeting will be confirmed in writing.
- The teacher's right of appeal will be advised and confirmed in writing.
- At each formal stage in the procedure outlined below the teacher may be accompanied if they wish and to have access to relevant documents.
- If dissatisfied with any action taken the teacher may raise a complaint under the Grievance Procedure.
- In all circumstances where there is continued absence the Council may regard it as necessary to progress as a capability issue up to and including dismissal.
- Prior to considering dismissal an up-to-date medical report will be sought and all other appropriate routes explored, including redeployment.

8 General Introductory Guides

For introductory advice for managers and supervisors see AM50 HR Guide to Managing the attendance of others - on the intranet/HR Online/Attendance Management.

For introductory advice on your rights and responsibilities, as a Council employee, under the Attendance Management Procedures see AM51 HR Guide When you are absent – on the intranet/HR Online/Attendance Management.

Attendance Management Procedure – Flow Chart

This diagram shows the steps taken if poor attendance continues.

