



# The Children First Learning Partnership Managing Attendance at Work Policy and Code of Practice (version 4)

The Managing Attendance at Work Policy and Code of Practice in respect of the Children First Learning Partnership has been discussed and adopted by the Directors Board

*Chair of Board:*

*Mrs N. Chell*

*Responsible*

*CEO – Mrs A Rourke*

*Agreed and ratified by the Directors Board*

*18.03.2024*

*To be reviewed:*

*March 2025*

## **Aims of the Policy**

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. It should be read in conjunction with other Children First Learning Partnership Policies such as the Maternity, Adoption, Paternity & Parental Leave Policy.

The [Code of Practice](#) details the responsibilities of both parties and the mechanisms put in place to underpin our policy.

The Children First Learning Partnership 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.

The Children First Learning Partnership 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.

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 Children First Learning Partnership 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 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).

## **Tool Kit & further information**

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1. For more information on how to apply this policy visit the following documents:

- When an Employee Goes off Sick
- Return to Work Discussions
- Formal Absence Process
- Managing Long Term Absence (including dismissal)

2. 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 Children First Learning Partnership's formal procedures.

3. 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 Data Protection Act 1998 and the Freedom of Information Act 2000. For further advice please contact Information Governance.

4. Formal action against a TU representative can lead to a serious dispute if it is seen as an attack on their functions. Whilst normal attendance standards apply to a TU representative as an employee, the relevant full-time official should be notified of any action that the Children First Learning Partnership proposes to take under this policy. All reasonable efforts must be taken to ensure that action is not taken against a TU

representative until the relevant full-time official has had an opportunity to be present at any stage of the formal procedure.

5. For more information on associated policies select from the following which are sited on the staff shared area:

Accidents at Work

Staff Counselling

Help with Being a Parent/Maternity Leave

6. For additional training and e-learning please contact HR

7. For information on [Occupational sick pay and governing legislation](#)

8. Further background information on this topic is available on the following websites:

[www.bis.gov.uk/](http://www.bis.gov.uk/) [www.acas.org.uk](http://www.acas.org.uk) [www.lg-employers.gov.uk](http://www.lg-employers.gov.uk)

See also national conditions of service and local agreements before determining or issuing advice.

## Contents

1. Manager accountabilities
2. Employee's accountabilities
3. Reporting Sick
4. Failure to Produce a Fit Note
5. Maintaining Contact during the Absence
6. Return to Work Discussions
7. Disability
8. Phased Returns
9. Termination of Contract
10. Bradford Factor
11. Discountable Absences
12. Formal Attendance Procedure
13. The Right to be accompanied
14. Non attendance at Formal Meetings
15. The Formal Stages:
  - 15.1 Stage 1
  - 15.2 Stage 2
  - 15.3 Stage 3
16. Right of Appeal
17. Expired Warnings

### 1. Manager Accountabilities

- Communicate the expected attendance standards and the procedures for managing these
- Positively promote and encourage excellent attendance standards
- Undertake Return to Work discussions with employees as soon as possible (usually within 14 calendar days) following each absence
- Consider and identify reasonable adjustments for disabled employees, to allow them to do their job
- Take prompt action to ensure that any disability related reasonable adjustments are carried out where these are required
- During the formal process managers should keep the employee informed and maintain good records of their contact with their employee, as they may (at a later date) be required to show that they have been reasonable, fair and consistent in the way that they have dealt with their employee
- Retain written records of return to work discussions, referrals, considerations and action(s) taken in such a way that protects the privacy of all documentation
- Ensure that all absence information is recorded in My View in an accurate and timely manner, and that employees are aware of their Bradford score
- Monitor absence data to identify and address potential areas of high absence, taking management action as detailed in the policy at the appropriate intervals
- Respect the confidential nature of the attendance management procedure
- Comply with any relevant legislation e.g. the Equality Act 2010
- To carry out the formal process in line with the current Scheme of Delegation

- Inform Human Resources when a stage 1 warning is issued to an employee and of the outcome of any stage 1 appeals.

## **2. Employee Accountabilities**

- Take responsibility for managing their own health to ensure regular attendance at work
- Provide certification for the whole period of sickness absence, self-certificate and/or fit note(s)
- Avoid activity that may delay their recovery wherever possible
- Engage fully in the attendance management process including; Return to Work discussions; attending Occupational Health (OHU) appointments; attend formal and informal absence meetings
- Maintain contact with their manager during periods of absence
- Employees are accountable for reporting their absence in accordance with the policy
- Employees are advised to keep copies of their certification.

## **3. Reporting Sick**

- 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.

**On Day 4** - Employee is required to contact their manager to update on their absence.

**On Day 7** - Employee is required to contact their manager again, and produce a Doctor's fit note within 5 working days.

**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.
- Engage with Occupational Health and Human Resources regarding referral appointments and absence visits.

## **4. 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.

## **5. 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.

## **6. 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 for My View (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.

## **7. 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.

## **8. 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.

## **9. Termination of Contract**

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

## **10. 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.

## **11. 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.

## **12. Formal Attendance Procedure**

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

## **13. 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.

## **14. 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.

## 15. The Formal Stages

[For guidance on how to arrange and hold a formal meeting.](#)

**Note:** During any stage of the formal process, where **two same stage** warnings (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.

### 15.1 Stage 1

Bradford Score is at least 150. The manager (usually their line manager) 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 14 calendar days of the employee returning to work, but in all circumstances as soon as is reasonably practical).
- Give a minimum of 14 calendar 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 OHU, and decide if reasonable adjustments are possible for the employee to be able to complete the tasks demanded by the job.

### 15.2 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 warning. 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 they will be facing Stage 3 of the Attendance Procedure at which point their dismissal will be considered.

### 15.3 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 warning.

Manager to invite the employee to a formal meeting allowing 14 calendar 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.

## **16. 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 14 calendar days of the warning being issued, but this may be reasonably extended to provide opportunity for union representation).

## **17. Expired Attendance Warnings**

**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.**

**Version Control:**

Version	Date	Amendment	By
V2	06.01.2021	Name of chair changed to Mrs N. Chell (Front cover)	CEO
V2	06.01.2021	Date of review and ratification changed to 10.02.2021 (Front cover)	CEO
V2	19.01.2021 After consultation with staff	P 6 Manger Accountabilities bullet point 6 reference to SAP changed to My View	CEO
V2	19.01.2021 After consultation with staff	P 7 Return to work discussions on return to work from sickness bullet point 2 reference to SAP changed to My View	CEO
V3	17.01.2022	Date of review and ratification changed to 16.02.2022 (Front cover)	CEO
V3	18.01.2023	Date of review and ratification changed to 15.02.2023 (Front cover)	CEO
V4	15.01.2024	Date of review and ratification changed to 18.03.2024 and new logo used (Front cover)	COO