



# MANAGEMENT CIRCULAR

73

Education Services, City Chambers, 40 John Street, Glasgow G1 1JL

**December 2018**  
**Management Circular No. 73**

To Heads of all Educational Establishments

## **Maximising Attendance Policy**

Please find enclosed Management Circular No. 73, which gives full information regarding how teachers' absence should be supported and managed. The Management Circular is broadly the same as Glasgow City Council's Corporate Policy, which applies to all other council employees, however Management Circular No. 73 also takes account of SNCT: National Terms and Conditions for teachers, and LNCT agreements.

Glasgow City Council's Corporate Policy was reviewed and updated in June 2018, therefore the Management Circular has been amended accordingly. This ensures that Head teachers and their teams are supported with clear information and guidance regarding their management responsibilities for maximising attendance.

In addition there are a number of supporting guidance documents on Connect which will assist you when maximising attendance in your establishment.

Training sessions will be organised for October 2018 onwards and will be targeted to Headteachers, Depute Head Teachers and Heads/ Deputes of Early Years establishments. The sessions will be available to book via CPD Manager.

Should you require further information please do not hesitate to contact the Human Resources Team for advice and guidance.

Maureen McKenna  
Executive Director of Education

## **Policy Aims and Objectives**

Glasgow City Council is committed to delivering high quality services to the City and citizens of Glasgow. This policy aims to support our teachers to maintain high levels of attendance, thereby minimising the detrimental effects of sickness absence on our service provision, our young people and colleagues.

The Council recognises that teachers will experience periods of ill health from time to time which will result in absences from work. In many cases, these will be short spells of illness from which teachers quickly recover, and in others there may be more significant health problems requiring prolonged treatment and time away from the workplace. Application of this policy will ensure that attendance issues are managed in a fair, legal and consistent manner across all Council Services.

In all cases Glasgow City Council is committed to supporting teacher attendance levels for two main purposes:

- to respond effectively to actual and potential problems with service delivery and
- to provide continuity of learning and teaching for our young people.
- to provide assistance to teachers with health problems at an early stage.

The Council recognises its responsibility for the health, safety and well-being of its employees, and in conjunction with other policies and contracted service providers seeks to support employees suffering from both physical and psychological health problems.

## **Standards of Attendance**

Glasgow City Council sets Corporate and Service attendance targets and the Executive Education Director and Head teachers are responsible for ensuring that these are achieved.

**Note:** *The standards set are not a target for each individual teacher to achieve but teachers should strive to achieve the highest level of attendance possible. However, where a teacher's level of attendance regularly falls below the set targets, this may be an indication of an unsustainable level of sickness absence.*

## **Responsibilities and expectations**

Headteachers are responsible for the implementation of the policy and there is an expectation that teachers will fully engage with the policy; engaging with occupational health referrals, management discussion and agreed return to work plans, thus ensuring that the provisions are not abused. Headteachers and all people managers have a responsibility to ensure appropriate levels of support and any assistance required is provided to employees.

## **Health Issues in the Workplace**

The Policy predominantly addresses sickness absence, however the principles will be applied where a teacher develops a health problem which impacts on their ability to perform their duties despite having no associated periods of sickness absence.

In such cases the teacher should bring the matter to their manager's attention at the earliest opportunity, and the manager will consider how best to support the teacher to maintain their attendance.

## **Qualification and Entitlements**

All teachers must accrue a total of 18 weeks continuous qualifying council service before being entitled to sickness allowance. This allowance is complementary to the statutory provisions, and teachers with less than 18 weeks continuous qualifying service may be entitled to Statutory Sick Pay (SSP). A week's qualifying service comprises any week, regardless of the number of hours worked, in which a teacher is employed by a council. This includes periods of annual leave, public holidays, sickness absence, maternity leave or other special leave.

For the purposes of calculating entitlement to sickness allowance continuity of qualifying service is deemed to be broken where a break exceeds two weeks. However, a newly qualified teacher will have until 1 November of the year following their entry to the Induction Scheme to secure a first teaching appointment, without having to re-qualify for sickness allowance. Once 18 weeks continuous qualifying council service has been attained the entitlement to sickness allowance is maintained, unless there is a break of service in excess of two weeks.

Where a teacher returns to council service following a break for maternity/adoption reasons, they will be entitled to have previous service taken into account for the purposes of entitlement to sickness allowance. This, however, is provided that the break in service does not exceed eight years and that there has been no paid employment during the break.

## **MAXIMISING ATTENDANCE – TEACHERS' RESPONSIBILITIES**

### **Notification**

To receive sickness allowance the teacher must notify the appropriate manager as soon as is practicable on the first day of absence. Only in exceptional circumstances, if the teacher is unable to do this due to serious illness, then some other person may act on his/her behalf. The teacher should, advise the nature of ill health and if possible, indicate the date of return to work.

Where the absence continues to a fourth day, further notification, as above, should be made to the relevant manager. The teacher will be required to contact the manager again on the seventh day of absence and maintain meaningful weekly contact thereafter by telephoning the school and speaking directly to the manager responsible for managing their absence. In exceptional circumstances the Headteacher may vary the need for weekly contact.

### **Certification**

Where the absence period is up to 7 days, the teacher will complete a Return to Work form on return to work. This is a self-certification.

Where the absence extends beyond 7 days of sickness, the teacher will submit a statement of fitness (Fit Note) for work to the school to cover absence beyond the 7 days. In addition, a Return to Work (RTW) form should be completed for all sickness absences, regardless of length

Where a teacher fails to comply with the notification and certification requirements, the sickness allowance will cease for that day, unless there is an acceptable reason provided for this failure

## **MAXIMISING ATTENDANCE – MANAGEMENT RESPONSIBILITIES**

Head teachers and their management teams must ensure that teachers are aware of their responsibilities should they be absent from work at any time.

When an employee reports their absence the line manager will identify how best to support them. The discussion will cover the following:

- What is reason for absence?
- Has any medical advice been sought?
- Is there anything we can do to help?
- Are there any workplace issues contributing to absence?
- Are there outstanding work items that require to be completed?
- What is the expected return date if known?
- When they are next due to make contact?

In order to give employees the best support it will be appropriate in most cases of psychological or musculoskeletal conditions to organise early intervention arrangements which are detailed later in the policy.

Please contact your Education HR team should you require advice and guidance.

## The Return to Work Discussion

Following every spell of sickness absence the line manager will meet the teacher and engage in a return to work discussion:

- Ideally this discussion will take place prior to undertaking duties on the day of the return to work or as soon as is reasonably practicable.
- The manager will meet the returning teacher to welcome them back to the workplace.
- The meeting will be informal and the discussion will focus on the reasons for absence, fitness to return to work and any support required to facilitate the return to work.
- A spell of absence will often require further intervention under the terms of this policy, where possible the line manager should familiarise themselves with the next steps and communicate this to the teacher during the discussion.
- The self-certificate form will be completed at the close of the return to work discussion.

**Note:** *It is important that return to work discussions take place close to the point of return to work to ensure that the teacher is fit to return and identify if any support is required. Unnecessary delays in arranging such meetings should be avoided.*

## Attendance Management Interviews

Attendance Management interviews will be arranged with teachers whose absence record, including periods of industrial injury, falls into the following categories:-

- 3 certified (Self Certified (SC) or Medically Certified (MC)) absences with 6 months or 5 certified (SC or MC) absences within 12 months. **Note:** *This criteria is not applied on a pro rata basis.*
- 6 working days (or hours equivalent) within 6 months or 8 working days (or hours equivalent) within 12 months (applied on a pro rata basis); or
- any period of unauthorised absences.

Attendance Management Interviews will be arranged promptly following the absence to which they relate to, to ensure that decisions taken are current and relevant. The teacher should be given a copy of the Formal Interview paperwork detailing the outcome of the meeting. In some instances an outcome letter may also be issued summarising the meeting.

Employees may choose to be accompanied by a colleague or trade union representative to any formal meeting convened under Management Circular No. 73.

All attendance management interview outcomes must be recorded on the SAP system following the meeting.

## **Management Considerations**

Throughout the attendance management process managers will consider appropriate interventions and also reference other Council Policies and arrangements to support recovery and return to work:

- Arrangements to support mental health in the workplace
- Engagement with Employee Assistance
- Occupational Health Referral
- Health and Safety Policy
- Work life Balance arrangements(LNCT 22)
- Alcohol and Drugs in the Workplace Policy
- Bullying and Harassment Policy(LNCT 13a)
- Disability Guide

**Note:** *This list is not exhaustive*

## **Early Intervention**

If a teacher reports absent due to a psychological or musculoskeletal condition, the line manager will establish if an Early Intervention discussion meeting, Employee Assistance Provider referral or an Occupational Health Provider referral, is appropriate, referring to the maximising attendance toolkit for advice.

The purpose of early intervention is to provide assistance to an employee at an early stage of certain absences as evidence shows an early intervention activity can aid a teacher's recovery and increase the likelihood of a full recovery.

An Early Intervention discussion meeting will generally take the form of a face to face meeting at which the line manager will try to establish any further support that might be provided to assist the teacher's recovery and return to work, this is particularly important where workplace issues are identified.

In some cases of absence for psychological reasons, an early intervention meeting may not be possible or appropriate, (e.g. close bereavement) however, the manager should maintain regular contact with a view to meeting the employee within a 4-6 week period

## **Employee Assistance**

Glasgow City Council have contracted an Employee Assistance Provider (EAP) to provide counselling and information services to employees.

In all cases of absence due to psychological conditions, line managers will remind employees of the EAP support services available and the routes to make contact.

Periods of absence, particularly long term, can lead to anxiety about health, returning to work and finances. Therefore it will often be appropriate to bring the EAP service to employee's attention even when the absence is not related to mental health.

In cases of absence related to allegations of workplace bullying and harassment, the teacher should be reminded of the contact details of the EAP's dedicated Bullying and Harassment helpline.

In circumstances where the teacher has consented to EAP progress reports being submitted to management, the line manager will meet with the teacher to discuss the content of the report.

## **Occupational Health Consultation (Attendance Management Related)**

Glasgow City Council have a contracted Occupational Health Provider (OHP) to provide management with information and advice in relation to employee health and the workplace.

The primary role of occupational health is to provide independent management advice, the undertaking of diagnosis and treatment lies with the teacher's primary health care provider (NHS).

In most long term absence situations and some short term intermittent absences, referral to occupational health will be made to establish:

- The impact of the teacher's health condition on their ability to perform their duties
- The likelihood of full recovery and time frame
- A timescale for return to work
- What duties the teacher may be capable of performing and in what timescale
- If the Equality Act 2010 is likely to apply
- Suggestion of reasonable adjustments which may support the teacher to return to work/maintain attendance at work

Occupational health reports enable managers to make informed decisions when supporting and managing teachers' attendance within the terms of this policy. Any decision relating to the teacher is the responsibility of Management and not the Occupational Health Provider.

The outcome report following an Occupational Health consultation should be discussed with the teacher and a copy of the report provided to the teacher by their manager if requested.

### **Occupational Health Consultation (Musculoskeletal Interventions)**

If a teacher is suffering from an untreated musculoskeletal condition which is impacting upon attendance or performance at work, a musculoskeletal referral to occupational health can be made to provide advice to the teacher and manager.

The occupational health provider will triage the referral and identify an appropriate course of course of action which may include telephone and/or face to face consultation. Where appropriate, teachers will be advised of exercises to improve their condition and in some instances treatment by means of physical manipulation will be provided.

The outcome report following an Occupational Health consultation should be discussed with the teacher and a copy of the report provided to the teacher by the manager if requested.

**NOTE:** *Musculoskeletal referrals often result in provision of advice from a physiotherapist over the telephone and do not require "hands-on" manipulation. The occupational health provider will decide upon the appropriate method of delivery of advice and treatment.*

### **Supported Return to Work**

In order to support a return to work, management will consider a paid phased return to work of up to four weeks where appropriate i.e. a phased return may be suggested by management, occupational health, GP etc.

A number of factors will be considered in agreeing the phased return to work plan; the operational needs of the service, the teacher's current state of health, advice from occupational health, advice from the teacher's GP, timing in the school calendar and the teacher's engagement with the attendance management process.

Throughout the phased return, the manager will monitor progress towards a full return to work and discuss progress with the teacher prior to resuming full duties.

If there is a supply teacher covering the absence, the phased return and any outstanding compensatory leave needs to be taken whilst the cover teacher is in place.

Compensatory leave is calculated in line with SNCT Guidelines and ensuring all teachers receive their statutory entitlement.

## **Sickness or Disablement due to Accident in the Course of Employment**

### **Non Work Related Accident**

Where a teacher receives damages as the result of an accident, repayment of any sickness allowance (either the total amount or proportion thereof represented in the amount of damages received) must be repaid to Glasgow City Council. The teacher shall be notified of any action taken.

Any period of absence where a refund is made in full will not be treated as sickness absence and will not count against the period of entitlement to Occupational Sick Pay. Any such period will be counted as special leave.

### **Work Related Injury/Illness**

Where a teacher is absent due to sickness or disablement as a result of a work related injury or illness, the teacher shall be entitled to a separate allowance. It will be calculated on the same basis as the sickness allowance. This type of allowance and sickness allowance are entirely separate.

Normally an injury caused by an accident at work will only qualify for payment if the appropriate procedures have been followed. Where there is good reason for the entry not to have been made (by the teacher or other party) Glasgow City Council should not refuse the allowance.

An investigation will be undertaken by the Council to establish whether the injury or illness is work related and record the facts. The teacher's own GP and the medical officer appointed by Glasgow City Council must confirm that the injury or illness is work related. Glasgow City Council will also establish if there has been negligence on the part of the teacher in terms of that individual complying with the recognised safe methods of work before applying this allowance.

In determining what, if any, action should be taken where a teacher's overall absence record includes period(s) of accepted industrial injury, managers must carefully evaluate the reasons for absence when assessing the record, and must take full account of accepted industrial injuries when dealing with teachers under the terms of this policy.

Wherein applying this procedure a manager identifies a teacher who regularly sustains industrial injuries additional training and or advice may be required. **Victims of Crimes Violence**

Where a teacher is absent from work because of an injury where the Criminal Injuries Compensation Authority (CICA) may make an award, there is an entitlement to sickness allowance. There is no requirement to refund any of the allowance received from the sum awarded by CICA. Where a CICA award is made, the period of absence shall not be treated as sickness absence, will not count against any period of entitlement but will instead be treated as special leave.

### **Infectious Diseases**

A teacher, who is prevented from attending the place of employment because of contact with notifiable infectious diseases, shall advise Glasgow City Council immediately and shall be entitled to full pay during absence. A period of absence, in this case, should not be reckoned against his/her entitlement to sickness allowance.

### **Respiratory Tuberculosis**

Where a teacher is suffering from respiratory tuberculosis, and where the absence is supported by a doctor's statement, full salary is payable for any period of absence up to a maximum of 12 months plus half salary up to a maximum of a further six months. The teacher shall not return to duty until certified as fit to resume work.

## Sickness Absence Categories

For the purposes of managing attendance this policy identifies two categories of sickness absence:

- **Short Term Intermittent Absence:** any spell of absence of up to and including 19 working days. (pro-rated for non-standard working patterns)
- **Long Term Absence:** any single spell of absence of 20 or more working days. (pro-rated for non-standard working patterns)

When managing either category of absence managers will be mindful of the requirements of the Equality Act 2010 which makes specific provisions to prevent discrimination against any teacher on the grounds of a protected characteristic. Of particular relevance to attendance management is "disability". The Equality Act 2010 identifies a person as disabled if they have 'a physical or mental impairment' which has 'a substantial and long-term adverse effect' on their 'ability to carry out normal day-to-day activities':

- **Impairment** - may be a physical or mental impairment, or both.
- **Long-term** - lasting at least a year, or likely to be for the rest of the person's life or recur
- **Substantial adverse effect** - more than minor, but it may fluctuate or change, and may not be present all the time
- **Normal day-to-day activities** - not defined by the Act, but in and out of the workplace they are taken to be common things for most people.

*Managing disability related sickness absence can be complex and managers should consult with their Education HR team in relation to such situations.*

## Managing Short Term Intermittent Sickness Absence

Short Term Intermittent Sickness Absence will generally be managed via the Formal Attendance Management Interviews when the set criteria has been met. Where management interventions and support do not result in a teacher maintaining an acceptable level of attendance, the teacher's attendance record will be reviewed and considered as a capability issue as detailed below.

## Managing Long Term Absence

If a teacher is absent due to long term sickness absence, management will meet with the teacher on a regular basis throughout the period of absence. The frequency of meetings will be dependent upon the circumstances of the specific absence and will give due consideration to the health of the teacher, their treatment plan, prognosis and return to work plans.

Regular meetings are an important part of managing long term sickness absence as they provide an opportunity to maintain the relationship between the teacher and the manager, allow the teacher to provide updates on their health and their thoughts about a future return to work, allow the manager to update the teacher on relevant workplace situations if appropriate and to discuss any management decisions relating to the absence.

Meetings will normally take place at the teacher's usual place of work or an alternative council premises. In some circumstances it may be appropriate to meet at an alternative and mutually agreed location. The location should be appropriate to facilitate discussion about health and workplace matters privately.

Normally in the case of long term absences medical advice should always be sought from the OHS to determine whether or not there is an underlying health problem, nature of the health condition, likely duration, what support can be offered and whether the teacher is likely to make a full recovery and if not, what work he/she may be capable of and in what time period.

This information is necessary to enable the senior manager to make informed decisions on how to

deal with the teacher's absence within the terms of this policy.

Management will thereafter consider the effects of the long term absences on the service and how long the service can sustain a long term absence.

Where an employee is unable to return to work due to ill health capability will be considered as detailed below.

### **Managing Combinations of Absence Categories.**

A teacher's sickness absence record may comprise of a combination of short and long term absence. In such circumstances each individual absence will be managed as a capability issues as detailed in the above sections.

In such cases, management will review the teacher's attendance record and where satisfied that the overall record is unacceptable capability will be considered as detailed below.

### **Managing Terminal Illness.**

Teachers diagnosed with a terminal illness will be managed in a dignified and compassionate manner. Glasgow City Council have adopted the Trade Union Congress' "Dying to Work Charter" and will not dismiss any person with a terminal diagnosis because of their condition, unless in the teacher's best interest.

### **Capability Considerations**

If a teacher's level of attendance is becoming a serious concern and cannot be sustained, the matter should be addressed as one of capability and may result in the termination of employment.

This may arise due to:

- regular spells of short term intermittent sickness absence or
- A spell of long term absence or
- A combination of short and long term absences.

As each teacher's health, duration of absence, spells of absence and capacity to undertake duties will be unique to their circumstances there is no single trigger for capability considerations.

The teacher must be formally advised of the concern regarding their attendance and that their continued employment is at risk. All relevant available options to support the teacher improve to an acceptable level of attendance should be fully explored, including:

- Advice from occupational health
- Supported return to work
- Alternative/restricted duties
- Flexible working/part time working(LNCT 22)
- Additional training/retraining
- Allow reasonable time off during working hours for rehabilitation/treatment
- Redeployment to another role

**NOTE:** *This list is not exhaustive*

Where reasonable options have been explored and assessed, are not viable and an employee is unable to provide an acceptable level of attendance, management may consider termination of employment on the grounds of capability.

Teachers may apply for Ill Health Retirement if they are a member of the SPPA and believe that is the best option. In all cases, before taking a decision to dismiss on the grounds of capability the following points must be fully addressed:

- Has full consideration been given to the reasons why employment cannot be sustained?
- Has the employee been fully consulted about their health and ability to give regular and effective attendance?
- Has up to date medical advice been sought and considered?
- Has consideration been given to the employee's length of service?

Employees have the right to appeal against dismissal on the grounds of capability in accordance with the Appeals procedure detailed in the Conditions of Service: Discipline & Appeals Procedure.

### **Disciplinary Considerations**

Disciplinary action may be considered if there are breaches of conduct at any stage of the attendance management process (including the return to work process) in accordance with LNCT 12 i.e

- unauthorised absence,
- a failure to comply with absence reporting procedures,
- an abuse of the sick pay provisions,
- fraudulent conduct