Absence and Wellbeing Procedure

DOCUMENT CONTROL

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Please note that a record of the changes made to the original issue of this document can be found at Schedule 1 after any Appendices to the Policy/Procedure.

1. INTRODUCTION

1.1 The following document sets out the absence and wellbeing procedure to be followed by managers/headteachers when dealing with an employee's attendance at work. It has been developed to promote the health and wellbeing of all employees, to improve attendance and minimise absence effectively. The Trust values the contributions of all employees and aims to maximise employee attendance to achieve the Trust's objectives and as a result enhance the delivery of education to students.

1.2 The Trust is committed to promoting healthy living for all staff and providing facilities to encourage this:

- Promotion of good management/working practices
- Risk assessments for known health risks
- Providing a professional, confidential Occupational Health Service (OH)

1.3 Sickness absence issues are often complex and unique and must always be treated as genuine and managed compassionately within the parameters of this procedure. Whilst it is important that issues are dealt with in a fair way, specific interventions used and timing of those interventions may differ from case to case.

1.4 Headteachers may delegate responsibility for dealing with different stages of this procedure to another senior member of staff depending on reporting arrangements within the school and the specific circumstances of individual absences. The CEO will act as the nominated person in managing any absences of a Headteacher, and the Chair of the Trust Board will act as the nominated person in managing any absences of the CEO.

1.5 Where employees are seconded to an external organisation they will be subject to the Trust's Absence and Wellbeing procedure.

2. PURPOSE AND PRINCIPLES

2.1 The purpose of this procedure is to maximise attendance across the Trust, whilst also providing reasonable support to those absent, with the aim of assisting their return to work at the earliest opportunity.

2.2 Whilst it is recognised that instances of absence often need to be considered on a case by case basis, this procedure also aims to ensure that all employees are treated fairly and consistently.

2.3 The Trust has a duty to manage its services in the most cost effective and efficient manner. It is committed to the aim of maintaining the health, safety and wellbeing for its employees as far as practicable, while recognising that there may be circumstances where it is necessary to manage absence to secure full attendance at work.

2.4 This procedure is based on the following principles and will:

- Maximise employee attendance and engagement at work
- Promote employee health, safety and welfare; encouraging and supporting employees to manage their own health, safety and wellbeing and to take responsibility for their attendance at work

- Secure effective and efficient utilisation of all staffing resources
- Explore reasons for employee absence in order to prevent or minimise the possibility of the absence reoccurring
- Address any underlying employee welfare problems
- Ensure appropriate occupational health and medical advice is obtained
- Sustain harmonious employee relations
- Comply with good employment practice and adhere to the law
- Never ignore sickness absence
- Ensure that short term absences do not go unnoticed
- Ensure prompt action is taken if the absence is work-related
- Keep accurate and up to date employee attendance records
- Develop/maintain an atmosphere that encourages people to come to work
- Deal with each person as an individual – getting to know them will assist in exercising managerial judgement
- Handle attendance problems promptly and sensitively and in a supportive manner
- Treat all staff fairly and consistently
- Reduce the impact on other employees and teams in terms of increased workloads
- Reduce agency costs associated with covering absence.

For statutory and discretionary time off see the Trust's Special Leave of Absence Policy.

3. SCOPE

This procedure applies to all permanent and fixed term Trust employees covered by the Green and Burgundy Books, casual workers and volunteers.

4. POLICY OWNER

HR Manager

5. KEY RESPONSIBILITIES/DELEGATED AUTHORITIES

5.1 Employees will:

- Make every effort to maintain satisfactory levels of attendance at work
- Take personal responsibility where appropriate for their own health and engage with any support offered (either through their own GP or another source such as the Occupational Health Service) to improve health conditions and ensure satisfactory attendance
- Comply with the notification requirements set out in this procedure unless not reasonably practicable
- Maintain regular contact with their manager/appointed contact person
- Attend Occupational Health appointments unless not reasonably practicable
- Attend support meetings / absence management reviews as necessary unless not reasonably practicable
- Complete actions and targets as outlined in the action plan from the absence management meetings.

- Be encouraged to advise the Trust of any disability or potential disability they may have so that these can be taken into account by the headteacher/appropriate manager throughout the application of this procedure.

5.2 Headteacher/Appropriate Managers will:

- Proactively manage absence levels within their department/academy
- Apply the procedure in a fair and consistent manner
- Ensure staff are aware of the procedure and the requirements for notification of sickness absence
- Ensure accurate absence records are maintained
- Conduct return to work interviews for all absences
- Maintain contact with employees throughout their absence
- Refer employees to Occupational Health and follow advice as appropriate
- Support the employee and make reasonable adjustments if necessary (reasonable adjustments may include extending review points)
- Organise and chair support meetings, absence management meetings/appeal meeting with employees
- Engage with relevant union representatives to support employees
- Seek advice from Human Resources as required.

5.3 The Trust will:

- Produce, review and monitor the application of this procedure to ensure fair and consistent application across the Trust
- Provide training for headteachers/managers on absence management
- Provide advice and support to managers and employees, including attending absence review meetings as required.

Category of Employee	**Suspension / lifting Suspension**	**Up to Dismissal Stage of Procedure**	**Appeal**	**Dismissal**	**Appeal**
CEO	Chair of Trust Board	A&C Committee	Trust Board Committee	Trust Board Committee	Trust Board Panel
Senior Manager or Headteacher (Reporting to CEO)	CEO	CEO	A&C Committee	A&C Committee	Trust Board Panel
SLT Staff member within school	Headteacher	Headteacher	CEO	CEO	Trust Board Panel
All other staff	Headteacher	Senior Line Manager	Headteacher	CEO	Trust Board Panel
Staff within probationary period	Headteacher	Line Manager	SLT member	Headteacher	Headteacher

6. NOTIFICATION AND CERTIFICATION

6.1 Employees should contact the Cover Supervisor/Appropriate Manager as soon as possible (normally by 8am) on the first day of absence to provide notification of their absence to allow for cover arrangements to be made.

6.2 There may be come circumstances (such as a breakdown in the relationship between a manager and employee) which means it is not appropriate for the employee to contact the manager about their sickness absence. In these circumstances the manager should make arrangements for an alternative point of contact for the employee going forward.

6.3 Employees should telephone in person, or arrange for someone else to ring if they are unable to do so personally (text messages and email are not acceptable forms of notification). If for any reason the Cover Supervisor/Office Manager is unavailable, the employee must leave a message with a telephone number to allow them to be called back and must make every effort to be available for the call back so long as this does not prevent them from seeking medical attention.

6.4 The following information will be required at the time of notification:

- Nature of the absence and when sickness began
- Expected date of return to work if known
- Any relevant information about current workload/diary appointments
- Telephone number for calling back
- If absence is related to any disability or work issue (to assess if additional support could be provided)
- Any assistance required.

6.5 Employees may have a condition or impairment that they wish to keep confidential, and they are not obliged to disclose this; however, the manager should respectfully encourage the employee to do so to enable the Trust to provide the appropriate level of support.

6.6 If the employee is still unfit for work beyond the expected date of return or beyond three days, they must contact the Cover Supervisor/Appropriate Manager again and provide an update.

6.7 Employees should keep the academy informed about their absences and notify them by 2.00pm on the day before they are likely to return to work.

6.8 An employee who is off sick for 7 days or less (including weekends) should complete a self-certificate form to cover every day of their absence.

6.9 For absences of 8 days or more (including weekends) the employee must provide a medical certificate (Fit Note) provided by a medical practitioner.

6.10 All days of absence must be covered by either a self-certification form or a Doctor's Fit Note. Any gaps will need to be accounted for in order for eligibility for sick pay to continue.

6.11 Continuity of entitlement to both statutory sick pay (SSP) and occupational sick pay (OSP) is subject to the supply of relevant certificates.

6.12 When completing a Fit Note, the doctor has the choice between two options:
- Not fit for work
- May be fit for work

6.13 If the doctor selects "may be fit for work", one of the following four options has to be selected:
- Phased Return to Work (PRTW)
- Amended Duties
- Altered Hours
- Workplace Adaptations

The doctor then has the option to make additional comments. When a Fit note is received for an employee who is assessed as "may be fit for work" the Headteacher/appropriate manager should arrange to meet with the employee to discuss the requirements of the fit note. Where it is possible to facilitate the requirements of the fit note these should be managed as part of the return to work. Where it is not possible to facilitate the requirements of the fit note the Headteacher/appropriate manager should seek further advice from Human Resources and/or Occupational Health and inform the employee of the outcome of those discussions. The employee will remain absent on sick leave pending a return to work with or without alterations being possible.

6.14 There is no option on a fit note for a doctor to advise that an employee is fit for work and it is not necessary for the employee to be signed back to work by a doctor. If an employee wishes to return to work before the expiry of a fit note they could return to their doctor who may provide another certificate indicating that the employee "may be fit for work" with certain adjustments to the employee's duties, hours or workplace.

6.15 If an employee is returning with adjustments in place to support their return to work, Headteachers/managers should complete a risk assessment and if it is thought that it is not appropriate for the employee to return to work or if this could be detrimental to their health condition then they will have to stay off work until the expiry of the fit note. If the Headteacher/appropriate manager is unsure whether or not it would be appropriate for an employee to return to work, they can seek further advice from Human Resources and/or Occupational Health and must seek medical confirmation from a medical practitioner that the employee is well enough to attend work.

7. RECORD KEEPING

7.1 Accurate and prompt recording of absence data is essential as it forms the basis for managing and monitoring sickness absence. All data will be managed in line with the Trust's data protection policy.

7.2 Where practicable, information should be recorded onto the HR system on the day that the employee notifies the employer of their absence, and updated as and when a self-certification or a fit note is received. This is to enable headteachers/appropriate managers to have up to date information so that they can seek advice and/or make timely Occupational Health referrals, offer support and carry out reviews when employees reach an absence review point.

7.3 It is essential that certificates are kept on employee's personnel files along with records of all discussions and meetings held with employees regarding their sickness absence. This is to ensure that absence is managed effectively and fairly and that records of earlier decisions and actions are readily available to inform future decisions.

7.4 Any absences relating to an accident or injury at work should be recorded on an accident form and advice sought from Human Resources and/or the Health and Safety Lead.

8. OCCUPATIONAL HEALTH

8.1 When an employee is absent from work for four weeks or more the Headteacher/appropriate manager should seek to arrange a referral for the employee to Occupational Health. A referral may be made earlier should the reason for the absence indicate this would be appropriate.

8.2 An employee may also be referred to Occupational Health as part of the process to manage short term absences, to seek advice and support regarding the employee's health and attendance levels.

8.3 The Headteacher/appropriate manager will complete an Occupational Health referral, providing as much information as possible and asking any specific questions they want answering. Support on completing referral forms can be provided by Human Resources.

8.4 Where necessary Occupational Health may arrange for an employee to complete an Access to Medical Records declaration form to make a request to the individual's doctor or specialist for a medical report.

8.5 Employees are entitled to see any reports provided by both their doctor and/or occupational health, which would be outlined as part of any referral/request for a report process.

8.6 The headteacher/appropriate manager will ensure that the employee has a copy of the report from Occupational Health and should then arrange to meet with the employee to discuss the outcomes of the report and any recommendations, which may be at the next stage meeting.

8.7 Failure to co-operate with an Occupational Health referral, the completion of Access to Medical Records form, or to attend any medical assessments would mean that the Trust would have to make decisions based on the information available. This could have a detrimental effect on the level of support that could be given. Repeated failure to attend appointments without good reason may result in loss of entitlement to sick pay.

9. SICK PAY ENTITLEMENTS

9.1 The Trust's Occupational Sick Pay (OSP) provisions are as follows:

Length of Service	Green Book (None teaching staff)	Burgundy Book (Teaching staff)
During 1st year of service	1 months full pay and (after completing 4 month's service) 2 months half pay	Full pay for 25 working days (and after completing 4 months calendar service) half pay for 50 working days
During 2nd year of service	2 months full pay and 2 months half pay	Full pay for 50 working days and half pay for 50 working days
During 3rd year of service	4 months full pay and 4 months half pay	Full pay for 75 working days and half pay for 75 working days
During 4th and 5th year of service	5 months full pay and 5 months half pay	Full pay for 100 working days and half pay for 100 working days
After 5 years' service	6 months full pay and 6 months half pay	

9.2 **Green Book Employees:**

The period during which OSP is paid, and the rate of sick pay, in respect of any period of absence is calculated by deducting from the employee's entitlement on the first day, the total number of days' absence during the twelve months immediately before the first day of absence.

When an employee receives full pay, the OSP is an amount which when added to SSP and Incapacity Benefit receivable, is equivalent to normal pay. In the case of half pay periods, OSP is an amount equal to half normal earnings plus an amount equivalent to SSP and Incapacity Benefit receivable, as long as this is not more than normal pay.

Once OSP has been exhausted, employees are entitled to SSP, subject to regulations regarding that benefit, until 28 weeks' sickness absence has elapsed, including the period of OSP.

Where it can be clearly shown that an abuse of the OSP scheme has occurred, the Trust will suspend sick pay immediately. The Trust reserves the right to reclaim the sick pay already paid. Abuse of the sickness scheme will be considered under the disciplinary procedure.

Sick Pay exclusions include:

- If an employee abuses the sickness scheme
- If the sickness/absence is due to or attributable to proven deliberate conduct which is harmful to the employee's recovery
- If the employee's absence has been caused by their own misconduct or neglect
- If the employee's absence is due to active participation in professional sport
- If the employee is injured while working in their own time on their own account for private gain or for another employer
- If the employee fails to attend Occupational Health and medical appointments or maintain contact without good reason.

Advice should be sought from Human Resources in circumstances where an employee who is off sick may be suspended under the disciplinary procedure.

9.3 **Burgundy Book Employees:**

For the purposes of sick pay and leave, two half school days shall be deemed to be equivalent to one working day. Whilst sickness during school closure periods will not affect the period of a teacher's entitlements to sick leave, it will be relevant so far as deduction of benefit is concerned. This the same deductions applicable to a teacher in respect of sickness on working days will be applicable in respect of sickness during closure period.

The rate of sick pay applicable to a teacher in respect of sickness during the closure of a school is the rate applicable to them on their last day before the closure. Where a teacher is ill immediately preceding a closure period and;

- They are on full pay
    - They will continue on full sick pay, but the closure period is not counted against their entitlement
- They are on half pay
    - They will continue on half sick pay, but the closure period is not counted against their entitlement
- They have exhausted their sick pay entitlement and are not receiving any pay
    - They will continue to receive no pay.

Where a teacher is on half pay or not receiving pay they may be put back on full pay by the procedure below:

9.4 When a teacher is ill immediately preceding a closure of the school, and has exhausted their sick leave entitlement, or is in less than full pay, and recovers during the closure period, such teacher shall be deemed, for the purpose of calculating salary due, to have returned to duty on the day they are authorised medically fit to do so by means of a doctor's statement obtained for that purpose, provided that they return to work on the first day back after the period of closure. Where a teacher in these circumstances does not return to work on the first day after the closure they will be required to refund any overpayment made.

If, during the period of closure of a school a teacher falls ill and becomes entitled to SSP or would be entitled to claim any of the benefits referred to above, it shall be their duty to notify the Trust so that they can either pay SSP or make the appropriate deductions.

10. INDUSTRIAL INJURY/INFECTION

10.1 If an employee is absent due to an industrial injury, accident or assault in the work place headteachers/appropriate managers and employees should ensure that they comply with the Trust's accident reporting procedure.

10.2 **Green Book Employees:**

Absence in respect of normal sickness absence is entirely separate from absence due to industrial injury, accident or assault arising out of or in the course of employment with the Trust and may not be counted towards review points and sick pay entitlement in some circumstances. Further advice is available from Human Resources.

An employee who is prevented from attending work because of contact with infectious disease will be entitled to receive normal pay and the absence will not count towards sick pay entitlements and triggers.

10.3 **Burgundy Book Employees:**

Absence in respect of normal sickness absence is entirely separate from absence due to industrial injury, accident or assault. Absence due to industrial injury, accident or assault (which is certified by an approved medical practitioner) arising out of or in the course of employment with the Trust may not be counted towards absence triggers and sick pay entitlement in some circumstances. Full pay shall be paid in such cases for a maximum period of six months'. In the event that a teacher does not return to duty after the six months' entitlement to full pay, they would then be entitled to their normal sick pay entitlement as set out at 9.1 above. Further advice is available from Human Resources.

An employee who is prevented from attending work because of contact with infection disease may be paid full pay for such period of absence as certified by an approved medical practitioner. This absence may not be reckoned against the teacher's entitlement to sick leave, but would be reckonable for entitlement to SSP.

11. DIRECTED MEDICAL ABSENCE/MEDICAL SUSPENSION

11.1 Directed Medical Absence should only apply in urgent circumstances and for short periods only until the proper medical position can be ascertained. Such directed absence will be confirmed in writing and will be on the basis of normal full pay. It will not be treated as sickness absence for the purposes of leave or pay entitlement.

11.2 Where there is a genuine concern/belief that the employee's continued presence at work may constitute a hazard either to themselves or others advice should always be sought from Human Resources.

11.3 In conjunction with any advice from Human Resources an immediate Occupational Health referral should be made and medical suspension on full pay pending the outcome of the referral considered.

11.4 The following principles should be followed:

- Undertake an immediate risk assessment of the dangers
- Discuss the situation with the employee (in person if possible/appropriate) to obtain as much information as possible and seek their views/opinions
- If appropriate/possible, involve a Trade Union Representative at an early stage
- Explain to the employee the proposal to refer them to Occupational Health and the purpose of the referral
- Discuss the immediate options with the employee (pending receipt of medical advice and determine the appropriate immediate action which may include temporary adjustment or alternative duties, sickness absence or medical suspension

- Once the Occupational Health advice has been received review action/decision taken and undertake a further risk assessment with the employee in light of the medical advice. Possible outcomes to this may include:
    - Immediate return to work
    - reasonable adjustment of the job/workplace
    - temporary/permanent alteration of duties/redeployment
    - sickness absence
    - continued medical suspension for treatment/further reports
    - ill health retirement
    - dismissal under the capability procedure

11.5 Further reviews and risk assessments should be carried out as necessary ensuring adequate consultation with the employee and advice sought from Human Resources.

12. RETURN TO WORK MEETING

12.1 On the day an employee returns to work the headteacher/appropriate manager should arrange to carry out a return to work meeting with the employee. Prior to the meeting the headteacher/manager should gather information such as the details of the employee's absences over the previous 12 months to familiarise themselves with the employee's attendance record and to assess whether the employee is approaching/has reached any of the attendance review points.

12.2 The discussion should be informal and supportive and should enable the headteacher/manager to better understand the reason for the absence. It is an opportunity to explore whether there are any underlying reasons for the absence and what support could be provided. As the meeting is informal, there is no right to be accompanied at this meeting, but it may be appropriate in some circumstances (e.g. following longer term absence).

12.3 Upon completion of the return to work meeting, notes of the meeting should be placed on the employee's personnel file.

13. INFORMAL SUPPORT MEETING

13.1 Where an employee's absence has exceeded the following triggers in a 12 month rolling period the headteacher/appropriate manager, should write to the employee to arrange a support meeting. This meeting is intended to support the employee and discuss any matters relevant to the absence(s):

- 3 separate occasions, or
- A total of 10 days, or
- Any absence that shows a pattern or trend e.g. Friday/Monday absences monthly patterns, etc.

13.2 Employees are encouraged to advise the headteacher/appropriate manager of any disability or potential disability as soon as possible so that they may take any disability into account when applying these procedures.

13.3 Normally this meeting should take place in the workplace, as it helps the employee to keep in touch with the workplace and prevents isolation. In exceptional circumstances, where it is not possible for the meeting to occur in the workplace (e.g. where the medical condition prevents this or travel is prohibitive) a meeting at another suitable venue should be arranged. The headteacher/appropriate manager should be accompanied by a note taker or Human Resources representative at the meeting.

13.4 The employee should be advised that this is an informal meeting, but they may be accompanied by a trade union representative or work colleague, provided this does not unduly delay the meeting.

13.5 Items to discuss at the support meeting may include:

- Discussion about absence/s (dates, number of occurrences and reasons)
- An opportunity to discuss whether the absences are linked to an underlying medical condition and whether the employee has sought any support from their GP/Medical Professional
- The employee will be encouraged to raise any issues in or out of work that may have contributed to the absence/s.
- Reminder of notification requirements
- Discussion on any Occupational Health Advice required/received
- Any reasonable adjustments or additional support required to maintain attendance levels
- Provide copy of Attendance and Wellbeing procedure and discuss next steps of the process
- If appropriate, set targets (i.e. 4 days or 2 occasions in next 6-month period).

13.6 The headteacher/appropriate manager should make a record of the content of the meeting and provide the employee with a letter summarising the meeting and confirming any improvement targets set.

13.7 The employee should be made aware that escalation from informal through to the relevant formal stage will occur without delay if the level of non-attendance reaches an unacceptable level as determined by the Trust.

14. SHORT TERM ABSENCE PROCEDURE

14.1 It is essential that the Trust deal with frequent and persistent short term absence promptly, fairly and consistently to demonstrate to all employees that it regards absence as a serious matter. It is appropriate to use the formal process where informal approaches have failed to achieve the desired improvements in attendance, or where informal action is deemed not to be appropriate in the circumstances of the case.

14.2 The formal process should be followed as detailed below. However, where an employee reaches an acceptable level of attendance following one of the formal stages but the level of absence becomes unacceptable again, the Trust reserves the right to enter the formal process at the point it ended previously.

14.3 **Formal Stage 1 Absence Review Meeting**

If the employee's short term attendance does not improve following the informal support meeting, the employee will be invited to a formal absence management meeting to review their absence and seek ways to achieve more acceptable levels of attendance.

The employee will be provided with at least 5 working days' written notice of the date and time of the meeting. The letter will advise the employee they have the right to be accompanied at the meeting by a trade union representative or work colleague and detail the possible outcomes of the meeting. Any relevant documentation that will be referred to at the meeting should also be enclosed.

The headteacher/appropriate manager should try to discuss ways to reduce further absence with the employee. This would normally include:

- A review of the employee's attendance record and the reasons for absences
- An opportunity to discuss whether the absences are linked to an underlying medical condition
- Discussion about whether the employee has asked for or received any support e.g. from their GP or other medical professional
- Discussion about whether any sickness problems may be work related and if so, any adjustments that would help the employee to achieve an acceptable level of attendance at work
- Review of Occupational Health Advice received or discussion about making an Occupational Health Referral
- Improvements required and the consequence of failing to achieve these, including setting a further target for improvement (e.g. no more than 4 days or 2 occasions in a 6-month period).

In addition to setting an improvement target the headteacher/appropriate manager may also consider the following action:

- Other support mechanisms as identified in the meeting such as reasonable adjustments or other forms of support
- The employee may be issued with an 'Oral Warning'. This reflects the fact that the employee has an unacceptably high level of sickness absence and in no way implies that the periods of absence are not genuine
- Referral/re-referral to Occupational Health.

Where an Oral Warning has been issued, this will be 'live' for a period of 6 months and may be taken into consideration at a further stage in the process during that time. The employee has the right of appeal against the Oral Warning. The appeal should be made in writing to the headteacher stating the grounds for the appeal within 5 days of notification of the warning.

Where the Occupational Health Service has suggested that the absences are linked to an underlying medical condition that meets with the definition of a disability under the Equality Act 2010, the headteacher/appropriate manager and employee should discuss any reasonable adjustments that could be put in place to support the employee to achieve an

acceptable level of future attendance at work. Advice can be sought from Human Resources regarding reasonable adjustments.

The headteacher/appropriate manager will send written confirmation of the outcome of the meeting normally within 5 working days and a copy will be placed on the employee's personnel file.

14.4 **Formal Process Stage 2 Absence Review Meeting**

A second meeting should be set up if the employee does not meet the targets set at the stage 1 absence meeting. The second meeting will re-confirm the issues discussed at the first review meeting and seek to identify reasons for the employee's failure to achieve the required level of attendance.

The employee will be given at least 5 working days' written notice of the date and time of the meeting. The letter will detail the employee's right to be accompanied by a trade union representative or work colleague and detail the possible outcome of the meeting. Any relevant documentation should be enclosed.

The headteacher/appropriate manager should try to discuss ways to reduce further absence with the employee. This would normally include:

- A review of the employee's attendance record and the reasons for absences
- An opportunity to discuss whether the absences are linked to an underlying medical condition
- Discussion about whether the employee has asked for or received any support e.g. from their GP or other medical professional
- Discussion about whether any sickness problems may be work related and if so, any adjustments that would help the employee to achieve an acceptable level of attendance at work
- Review of Occupational Health Advice received or discussion about making an Occupational Health Referral
- Improvements required and the consequence of failing to achieve these, including setting a further target for improvement (e.g. no more than 4 days or 2 occasions in a 6-month period).

In addition to setting an improvement target the headteacher/appropriate manager may also consider the following action:

- Requesting the employee to submit a medical certificate from the GP for every instance of absence
- Other support mechanisms as identified in the meeting such as reasonable adjustments or other forms of support
- The employee may be issued with a 'Written Warning'. This reflects the fact that the employee has an unacceptably high level of sickness absence and in no way implies that the periods of absence are not genuine
- Referral/re-referral to Occupational Health.

The headteacher/appropriate manager will send written confirmation of the outcome of the meeting normally within 5 working days and a copy will be placed on the employee's personnel file.

Where a Written Warning has been issued, this will be 'live' for a period of 12 months and may be taken into consideration at a further stage in the process during that time. The employee has the right of appeal against the Written Warning. The appeal should be made in writing to the headteacher stating the grounds for the appeal within 5 days of notification of the warning.

14.5 **Formal Process Stage 3 Absence Review Meeting**

A third meeting should be set up if the employee does not meet the targets set at the stage 2 absence meeting. The second meeting will re-confirm the issues discussed at the first review meeting and seek to identify reasons for the employee's failure to achieve the required level of attendance.

The employee will be given at least 5 working days' written notice of the date and time of the meeting. The letter will detail the employee's right to be accompanied by a trade union representative or work colleague and detail the possible outcome of the meeting. Any relevant documentation should be enclosed.

The headteacher/appropriate manager should try to discuss ways to reduce further absence with the employee. This would normally include:

- A review of the employee's attendance record and the reasons for absences
- An opportunity to discuss whether the absences are linked to an underlying medical condition
- Discussion about whether the employee has asked for or received any support e.g. from their GP or other medical professional
- Discussion about whether any sickness problems may be work related and if so, any adjustments that would help the employee to achieve an acceptable level of attendance at work
- Review of Occupational Health Advice received or discussion about making an Occupational Health Referral
- Improvements required and the consequence of failing to achieve these, including setting a further target for improvement (e.g. no more than 4 days or 2 occasions in a 6-month period).

In addition to setting an improvement target the headteacher/appropriate manager may also consider the following action:

- Requesting the employee to submit a medical certificate from the GP for every instance of absence
- Other support mechanisms as identified in the meeting such as reasonable adjustments or other forms of support
- The employee may be issued with a 'Final Written Warning'. This reflects the fact that the employee has an unacceptably high level of sickness absence and in no way implies that the periods of absence are not genuine

- Referral/re-referral to Occupational Health.

At this stage of the procedure the headteacher/appropriate manager must also advise the employee that no significant improvement in their attendance will result in a stage 4 absence review meeting which may lead to their dismissal.

The headteacher/appropriate manager will send written confirmation of the outcome of the meeting normally within 5 working days and a copy will be placed on the employee's personnel file.

Where a Final Written Warning has been issued, this will be 'live' for a period of 24 months and may be taken into consideration at a further stage in the process during that time. The employee has the right of appeal against the Written Warning. The appeal should be made in writing to the headteacher stating the grounds for the appeal within 5 days of notification of the warning.

14.6 **Formal Process Stage 4 Absence Review Meeting**

If, having been through stages 1-3 of the formal process and associated improvement plans, the sickness absence of the employee remains at an unacceptable level a stage 4 absence review meeting should be convened. This meeting will normally be chaired by the Headteacher/CEO.

The employee will be given at least 5 working days' written notice of the date and time of the meeting. The letter will detail the employee's right to be accompanied by a trade union representative or work colleague and detail the possible outcome of the meeting. Any relevant documentation should be enclosed.

The headteacher/appropriate manager who has managed the employee through the earlier stages of the process should also attend this meeting to present their case. A Human Resources Advisor should also attend the meeting to provide advice to the Chair of the meeting. The purpose of this meeting is to consider whether there are further actions that can be taken by the Trust to assist the employee in continuing in their employment.

If the chair of the meeting concludes that the employee and the process have been managed fairly, that the required level of attendance is fair and achievable and that the employee has been given all reasonable opportunity to improve to an acceptable standard but failed to do so, they will be able to consider action including to terminate the employee's employment, with appropriate contractual notice, for failure to reach an acceptable level of attendance.

In reaching their decision the chair will consider such issues as:

- The impact of the employee's absence on service delivery
- The employee's absence record
- The actions that have been taken to support the employee to try to improve their attendance
- Any advice received from Occupational Health
- Any disability as defined under the provisions of the Equality Act 2010
- Any representation from the employee.

14.7 The chair will confirm the decision both verbally, normally within one working day, and then in writing, normally within 5 working days of the meeting and the employee will have the right to appeal within 5 working days of written notification of the decision setting out the grounds of their appeal. Any appeal will be heard by a panel from the Trust Board.

15. LONG TERM ABSENCE PROCEDURE

15.1 Long term absence is normally absence which lasts for 28 calendar days or more. Long term absence cases are often linked to an underlying medical reason which may be classed as a disability under the Equality Act 2010; however, this may not always apply. Managers should be aware of the provisions of the Equality Act 2010; particularly the duty to consider/make reasonable adjustments when dealing with long term absence linked to a disability.

15.2 It should be noted that sickness absence issues are often complex and unique. Whilst it is important that issues are dealt with in a fair way, the specific interventions used and timing of those interventions may differ from case to case. It is essential that the Trust deals with long term absence in a fair and consistent way to demonstrate to employees that it regards absence as a serious matter. It is appropriate to use the formal process when there is evidence to suggest that the employee is unlikely to return to work in the foreseeable future.

15.3 Occupational health advice may be sought at any time but a referral will usually be made for absences that are due to last for more than 4 weeks. The only exception to this would be in cases where Occupational Health is not considered necessary (i.e. if an employee has a broken leg without complications).

15.4 **Formal Process – Absence Management Review Meetings**

If an employee has been absent for four weeks or more they should be invited to a formal Absence Management Review Meeting. The employee will be given at least 5 working days' written notice of the date and time of the meeting. The letter will detail the employee's right to be accompanied by a trade union representative or work colleague and detail the possible outcome of the meeting. Any relevant documentation should be enclosed.

The purpose of the meeting is to review the employee's ongoing absence along with any up to date Occupational Health Advice that may have been received.

The headteacher/appropriate manager will usually seek to discuss the following with the employee at an Absence Review Meeting:

- A review of the employee's attendance record and the reasons for absences
- An opportunity to discuss whether the absences are linked to an underlying medical condition
- Discussion about whether the employee has asked for or received any support e.g. from their GP or other medical professional
- Discussion about whether any sickness problems may be work related and if so, any adjustments that would help the employee to achieve an acceptable level of attendance at work
- Review of Occupational Health Advice received or discussion about making an Occupational Health Referral

- Timescale/prospects for the employee returning to work and/or maintaining an acceptable level of attendance in the future.

The headteacher/manager should consider the following in the options for the employee in the order that they are listed below:

a) Return to/continuation in existing post
b) Return to/continuation in existing post with temporary or permanent reasonable adjustment
c) Phased return to work (Usually to include reduced hours or light duties for a period of up to four weeks)
d) Redeployment to another post within the Academy/Trust
e) Dismissal on health grounds (consideration should be given to whether an employee may be eligible for ill health retirement under the appropriate pension scheme)

More detailed advice on these options is contained below and is available from Human Resources.

If options a – d above are not feasible and dismissal on the grounds of ill health may be the only option left for the Trust/Academy to consider, the headteacher/appropriate manager should ensure that the employee is made aware of this fact at the earliest opportunity.

Given the time that it may take for a clear diagnosis of the employee's condition, or for a review of the effectiveness of any treatment, it may be that a number of formal review meetings need to occur before final advice can be implemented. Whilst the Trust/Academy will take all reasonable steps to assist the employee's return to work, it is not possible to wait indefinitely for an employee's condition to improve. These meetings should therefore set a date for return, subject to an employee's fitness to do so. Whilst each case will be judged on its particular circumstances, headteachers/appropriate managers should endeavour to ensure that appropriate action in line with the above options is actioned as soon as possible.

15.5 **Returning to existing post**

This may be with a phased return to work – see below. In these circumstances, a headteacher/appropriate manager may consider setting a monitoring period and have a formal meeting with their representative to consider this.

15.6 **Return to existing post with reasonable adjustments**

Adjustments may be temporary or permanent and may include changes to hours, duties or location of the role, the use of particular equipment or improving access or facilities.

The headteacher/appropriate manager will need to assess whether these changes can reasonably be accommodated without having a detrimental effect on the Academy/Trust. Advice may be sought from Occupational Health/Human Resources on reasonable adjustments.

15.7 **Phased Return to Work (PRTW)**

A PRTW will normally involve an employee returning on reduced hours/light duties that would be increased gradually over an agreed period of up to 6 weeks, but can be extended by the headteacher/appropriate manager if required.

During an agreed PRTW the employee will suffer no financial detriment by returning to work on that basis providing they adhere to the agreed arrangements for the PRTW period.

If absence occurs during a PRTW sick pay entitlements will be triggered and the PRTW arrangements will be reviewed upon their return to work as appropriate.

15.8 **Redeployment**

If it is not possible for the employee to return to their post either with or without adjustments, the headteacher/manager should consider whether there are any other existing posts available that the employee could be redeployed into. Further advice from Occupational Health/Human Resources should be sought if redeployment is being considered.

15.9 **Application for Ill Health Retirement**

Where an employee meets the criteria in the relevant pension scheme, consideration should be given to whether the employee is eligible, under the terms of their pension scheme, for ill health retirement, prior to a decision being taken to dismiss on grounds of ill health.

If a headteacher/appropriate manager would like to request an assessment for ill health retirement, they should contact Human Resources for further advice.

15.10 **Formal Case Conference**

The Trust/Academy will only consider dismissing an employee on the grounds of capability due to ill health when it has considered all the available facts and medical reports, and where the appropriate options of returning their post (with or without adjustments), redeployment, phased return to work have been examined and found not to be possible or applicable.

In these circumstances the employee will be required to attend a formal Case Conference and will be given at least 5 working days' written notice of the date and time of the meeting. The letter will detail the employee's right to be accompanied by a trade union representative or work colleague and detail the possible outcome of the meeting, which should include dismissal on the grounds of capability/ill health. Any relevant documentation relating to their sickness absence should be enclosed.

This meeting will be normally chaired by the Headteacher/CEO with a HR advisor in attendance to provide support and advice. The headteacher/appropriate manager who oversaw the earlier stages of the formal process will also attend to present the management case.

The chair will consider the following information:

- The steps taken to manage the employee's sickness absence
- The needs and resources of the Trust/Academy in relation to the work which the employee is employed to undertake
- The effect of the employee's absence upon other employee's and in particular those who are engaged in the same department
- The likely duration of the employee's illness
- Any further advice received from Occupational Health
- Any disability as defined under the provisions of the Equality Act 2010
- Any representation from the employee.

The chair will confirm the decision both verbally, normally within one working day, and then in writing, normally within 5 working days of the meeting and the employee will have the right to appeal within 5 working days of written notification of the decision setting out the grounds of their appeal. Any appeal would be heard by a panel of the Trust Board.

SCHEDULE 1

DOCUMENT CONTROL – RECORD OF CHANGES

Version Number:	Publication Date:	Nature of, and Reason for, Change(s)
001	March 2020	