



**Inspiring Futures  
through Learning**

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**Sickness Absence Management Policy**  
September 2023 to September 2024

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<b>Date to be reviewed:</b>	September 2024 <i>This policy will be reviewed every year unless legislation dictates otherwise. Recent changes in Legislation will need to be read and used to review this Policy.</i>
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#### Key:

#### \* Publication on website:

IFtL website		School website	
1	Statutory publication	A	Statutory publication
2	Good practice	B	Good practice
3	Not required	C	Not required

#### \*\* Policy level:

1. Trust wide:
  - This one policy is relevant to everyone and consistently applied across all schools and Trust departments with no variations.
    - o *Approved by the IFtL Board of Trustees.*
2. Trust core values:
  - This policy defines the values to be incorporated fully in all other policies on this subject across all schools and Trust departments. This policy should therefore form the basis of a localised school / department policy that in addition contains relevant information, procedures and / or processes contextualised to that school / department.
    - o *Approved by the IFtL Board of Trustees as a Trust Core Values policy.*
    - o *Approved by school / department governance bodies as a relevantly contextualised school / department policy.*
3. School / department policies
  - These are defined independently by schools / departments as appropriate
    - o *Approved by school / department governance bodies.*

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## 1. Terms of Reference

1.1. For all employees employed by the Inspiring Futures through Learning Multi Academy Trust

### 1.2. Definitions:

“Headteacher” also refers to any other title used to identify the Headteacher, where appropriate.

“Employee” refers to any member of the staff, teaching and Professional Services staff, employed to work at the School.

“Senior manager” refers to any member of the Leadership Group, as defined by the School Teachers’ Pay and Conditions Document, relevant Line Manager or a senior Professional Services employee in cases involving Professional Services staff, delegated by the Headteacher to deal with sickness absence.

“Companion” refers to a person chosen by the employee to accompany him/her, who shall be a trade union representative or a workplace colleague.

#### **Where this is relevant to Core Trust staff:**

- the term “employee” refers to members of the Core team
- the process is the same but the term “Headteacher” would be replaced by “CEO” and would be referred to the Board of Trustees

#### **Where this is relevant to Headteacher (or Interim Head Teacher):**

- the term “employee” refers to members of the Headteacher
- the process is the same but the term “Headteacher” would be replaced by “CEO” and would be referred to the Board of Trustees

## 2. Introduction

2.1. IFtL recognises its responsibility for the health, safety and welfare of its’ staff. This Sickness Absence Management Policy sets out procedures for reporting sickness absence and for the management of sickness absence in a fair and consistent way. This policy places emphasis on proactive support for staff in the event of ill health difficulties. This policy does not form part of any employee’s contract of employment and it may be amended at any time following consultation with the Trade Unions. Procedures set out in this policy, including any time limits, may be varied as appropriate in any case.

2.2. It is the responsibility of management to monitor sickness absence and to respond effectively to actual and potential problems. The Trust has standards for attendance for staff, as it does for pupils. It is the responsibility of the Headteacher and all levels of management to ensure these standards are achieved and to raise awareness of the effect of sickness absence levels on the quality and continuity of teaching and learning and other aspects of the

- effectiveness of the work of the School and Trust. In addition, managers have an obligation placed on them to identify and address problems in the work environment and/or job factors that may be contributing to staff absence.
- 2.3. Sickness absence can vary from short intermittent periods of ill-health to a continuous period of long-term absence and have a number of different causes (for example, injuries, recurring conditions, or a serious illness requiring lengthy treatment).
  - 2.4. The Headteacher is responsible for monitoring the implementation of the procedure to ensure that the procedure is communicated to employees and that it is applied consistently. Levels of sickness absence will be monitored and will record the average number of working days lost due to sickness per full time equivalent employee and identify areas where the work of the School and Trustees, in particular the continuity of teaching and learning, is being affected by absence levels. This will include a breakdown of total absence into long-term and short-term absence and reasons for absence. Absences longer than 28 days are classed as long-term. The information will be reported regularly to Governors (or Trustees where it applies to the Core team) on an anonymised basis. This Policy sets out the steps which the Headteacher and senior managers will normally follow when staff sickness absence occurs.
  - 2.5. Sickness absence may result from a disability under the Equality Act 2010. Reasonable adjustments to this procedure may be considered in appropriate cases, depending on the specific circumstances. HR advice should be obtained where the senior manager or Headteacher considers the employee is likely to have a disability. [This may include advice from an Occupational Health Practitioner.](#)
  - 2.6. This policy will be operated in accordance with the Trust's Equality Statement, reviewed annually and published on the Trust's website. The Trust is committed to developing, maintaining and supporting a culture of equality and diversity in employment. An Equality Impact Assessment will be carried out on an annual basis and shared with the Trade Unions.
  - 2.7. No action will be taken under the formal part of this Sickness Absence Management Policy against a trade union representative without prior discussion with a paid trade union officer.
  - 2.8. After each period of absence, a return to work discussion will be carried out and recorded by the most appropriate manager or the Headteacher.
  - 2.9. Wherever possible, the school will use the same senior manager for informal meetings and return to work interviews for a member of staff, in order for consistency to be maintained and familiarity with the situation.
  - 2.10. Informal Sickness Absence Meetings will be carried out by a senior manager or Headteachers.
  - 2.11. Stage 1 meetings (and reviews of other senior managers' Stage 1 decisions at appeal) will be held by Headteachers or other senior managers.

- 2.12. The Headteacher has authority to hold a Stage 2 meeting. In the event that the Headteacher has held the Stage 1 meeting then Stage 2 may be considered by a Governor/Committee of Governors and/or Trustees in the case of the IFtL Core team or Headteacher sickness.
- 2.13. In cases against the Headteacher, the CEO and/or Committee of Trustees has power to dismiss the Headteacher in accordance with the procedure set out below. The Committee of Trustees could be constituted of Trustees as Trustees appropriately delegate.
- 2.14. If the outcome of the hearing is dismissal the Chair of the Panel will notify an agreed representative of a group of Trustees detailing the process that has been followed in reaching the decision.

### 3. Employees' Responsibilities

- 3.1. Employees must attend work when fit to do so.
- 3.2. Employees must follow the **Notification of Sickness Absence** procedures:
  - 3.2.1. An employee who is prevented by illness or injury from reporting for duty shall personally notify the Headteacher or an appropriate senior manager as early as possible by telephone on the first day of absence and subsequent days if b) (below) is not known, and certainly no later than one hour prior than that of their normal start time. The following details should be provided:
    - a) The nature of the employee's illness/injury.
    - b) The expected length of absence from work if known
    - c) Current contact details.
    - d) Any outstanding or urgent work that requires attention.
- 3.3. If an employee does not report for work, and has not explained the reason for absence, then the employee should expect to be contacted by telephone during the period of absence by the employee's Headteacher or a senior manager, who will want to enquire after the employee's health and be advised, if possible, as to the employee's expected return date. This must not be treated as a substitute for reporting sickness absence. Absence that has not been notified in accordance with the sickness absence reporting procedure will be treated as unauthorised absence.
- 3.4. All employees must complete a self-certification form detailing the reason for absence for any period of sickness absence up to seven days. The self-certification form must be completed immediately on return to duty. Please see Appendix C for details on where the form can be found and to whom it should be submitted.
- 3.5. A medical certificate (a 'Statement of Fitness for Work' hereinafter called a 'Fit Note') must be provided from the EIGHTH day of absence (including Saturdays and Sundays). This should be provided to the Headteacher or a senior manager as soon as possible and, if absence continues further, Fit Notes should be provided

to cover the whole period of absence, including sickness during school holidays. Failure to do so may result in non-payment of sick pay (where applicable) and/or disciplinary action if appropriate.

- 3.6. The School (or Trust where relevant) will take a copy of the Fit Note for their records and return the original copy to the employee.
- 3.7. An employee shall, if required at any time, attend an Occupational Health (OH) or other medical appointment/examination by a registered medical practitioner nominated by the School (or Trust where relevant)

#### **4. Reimbursement of Cost of Doctors' Statements.**

- 4.1. Where the Headteacher requires a medical certificate ('Fit Note') from an employee, the employer shall, on provision of a receipt, reimburse the employee if a charge is made for the Fit Note.

#### **5. Ill-health Retirement**

- 5.1. Ill-health retirement for employees in the Local Government Pension Scheme must be certified by a designated independent Occupational Health Advisor. For Teachers ill health retirement, applications will be assessed by the Medical Advisors appointed by the Department for Education.
- 5.2. Where certification is received while an employee is still employed by the school and unless the employee waives their right to attend, the employee may be invited in writing to a Formal meeting at which the ill health retirement decision will be ratified.

#### **6. Stress related absence**

- 6.1. The Health and Safety Executive defines stress as "the adverse reaction people have to excessive pressure" and the Trust has a duty to take reasonable care that employees are not placed at risk through excessive and sustained levels of stress.
- 6.2. A review meeting should be arranged with the employee as soon as the Headteacher is aware that the absence is as a result of stress. Headteachers should not wait for the absence to become long-term (e.g. 4 weeks) before arranging this meeting as identifying the cause early may help resolve the absence before it becomes protracted. Appropriate outcomes could include a stress risk assessment and/or a referral to Occupational Health.

#### **7. Musculoskeletal Absences**

- 7.1. Absences as a result of muscular or skeletal disorders such as backache, muscular pains in lower and upper limbs, and neck and shoulder pains as well as injuries including sports injuries should be referred to Occupational Health at the earliest opportunity. Absences amounting to 10 or more working days, of either one or multiple periods, should be referred to Occupational Health. Where the

services of the Occupational Health provider are used it may be possible to reduce the duration of the absence through early access to physiotherapy.

## **8. Disability related absence**

- 8.1. The Equality Act 2010 places an obligation on employers to ensure that employees are not treated less favourably on the grounds of their disability. A person who has 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 is defined as disabled for the purposes of the Act.
- 8.2. The Equality Act 2010 ensures that people with HIV, cancer and multiple sclerosis are covered effectively from the point of diagnosis, rather than from the point when the condition has some adverse effect on their ability to carry out normal day to day activities.
- 8.3. The Act also requires employers to make reasonable adjustments to workplaces and practices to enable people with a disability to undertake work. Reasonable adjustments may include providing equipment or making changes to work or the working environment. As part of the absence review process, managers should consider whether any adjustments can be made to enable employees to attend and carry out their work in consultation with the individual and where appropriate with advice from the Occupational Health advisor.
- 8.4. Absence due to a disability should be recorded using the School and/or Trust's absence recording process. There may be circumstances however, where an increased level of sickness absence is accommodated as a reasonable adjustment. Advice should be sought from Occupational Health in these circumstances by HR or relevant person.

## **9. Illness prior to and during Annual Leave**

- 9.1. If you are ill or injured prior to or during a period of pre-arranged annual leave, and your illness would have prevented you from attending work, you may elect to treat the days of incapacity as sickness absence instead of annual leave.
- 9.2. If you wish to do so, you must inform your Headteacher or a senior manager of your illness and its likely duration as soon as possible in accordance with the usual reporting requirements of this policy even if you are abroad.
- 9.3. You will not receive sick pay for any such period of absence unless you have complied with the reporting requirements of this policy and provided a medical certificate or other evidence of your incapacity at your own expense for the full period of incapacity.

## **10. Terminal illness**

- 10.1. If an employee is suffering from a terminal illness, the Headteacher or CEO needs to be sensitive to their situation. Each case must be assessed on an individual

basis ensuring that the employee's personal wishes and relevant financial implications are considered.

## **11. Pregnancy related absence**

- 11.1. If an employee is absent because of a pregnancy related illness on or after the beginning of the 4th week before her expected week of childbirth, her maternity leave automatically begins.
- 11.2. Where her absence is not related to pregnancy, she is entitled to sick pay, even if this occurs on or after the beginning of the 4th week before the expected week of childbirth. Pregnancy related absences should not be included when looking at triggers for concern.

## **12. Illness or Injury Arising from Work**

- 12.1. Any accident arising out of, or in the course of, employment with the School/Trust must be reported and recorded in accordance with the required procedures. The accident may be subject to investigation and reported by an employee authorised for this purpose by the School (or Trust where relevant).
- 12.2. Where an employee seeks medical advice about an illness which is suspected or alleged to result from the nature of his or her employment, the employee must report relevant information to the Headteacher at the first opportunity. The Headteacher should confirm the details of the discussion in writing to the employee.

## **13. General Return to Work Arrangements**

### **13.1. Phased returns**

In such cases where an employee has been advised, in accordance with medical advice provided by Occupational Health, medical professionals or the Fit for Work note provided, that a return to work following long term sickness absence should be for less hours than contracted, with the expectation of returning to contractual hours within a reasonable period of time, a phased return may be agreed. The details of the phased return (how many hours and over what time frame) should be agreed in advance, taking account of all evidence presented. An initial phased return is expected to be up to four weeks in length. An extension to the four-week period should be in accordance with medical advice and agreement of all parties.

Phased returns may be extended by up to an additional two weeks in exceptional circumstances.

The employee will be paid their normal contractual salary during the first four weeks. If the phased return is extended the pay arrangements will be reviewed by the Headteacher in accordance with the medical advice, ordinarily the employee will be paid on the basis of hours actually worked.

13.2. If the employee returns to work with a Fit Note which states 'may be fit for work', the employee should notify his/her Headteacher or a senior manager immediately. The advice on the note will be discussed together with any additional measures that may be needed to facilitate the employee's return to work, taking into account the doctor's advice. Consideration will be given as to how the advice impacts the employee, the job, the workplace, service delivery, pupils and colleagues. The doctor's comments, any of the return to work tick boxes and any other action that could facilitate a return to work will be considered with due regard to the Equality Act 2010. Options may include:

- phased return to work, normally over a maximum period of four weeks following long term absence
- altered hours;
- amended duties;
- consideration of redeployment;
- workplace adaptations;
- other reasonable adjustments.

13.3. Where all parties feel it could be a relevant option and medical advice cannot be accommodated within the employee's current role, consideration could be given to redeployment. The success of this option will depend on the availability of suitable vacant posts within the school and there is no obligation on the school to specifically create a post in such circumstances.

13.4. If a return to work is possible, the agreed action plan will be documented and implemented. If, under exceptional circumstances as assessed by the Headteacher, it is not possible to provide the support suggested by the doctor, the employee will remain on sick leave under medical suspension and will not normally need to return to their doctor to obtain a revised Fit Note unless this is required in the circumstances. A review date will be set. Where an employee is placed on medical suspension they will be in receipt of full pay.

13.5. Consideration will be given as to whether a risk assessment is required to ensure the health and safety of the employee in light of the reason for their ill health, for example a stress, ergonomic or more general risk assessment may be required.

13.6. If the employee feels they can return to work, despite medical advice and before the expiry of a Fit Note, this will not breach the School or Trust's Employer's Liability Compulsory Insurance. The decision to return to work will be at the discretion of the employee, even if their doctor has indicated that they need to assess them again and the employee chooses not to go. A senior manager should carry out a suitable and thorough risk assessment.

## **14. Medical Suspension**

14.1. In certain circumstances it may be appropriate to medically suspend an employee to ensure that the school complies with its duty of care especially in

situations where further medical information is required. Any decision to medically suspend needs to be based on sound justification and the Headteacher should be able to demonstrate this through a risk assessment which will be shared with the employee. A decision to suspend must be approved in writing by the a Headteacher or a member of the Trust SLT.

- 14.2. The employee must be informed as soon as possible of the decision to suspend and this must be confirmed in writing. Medical suspension will be on contractual pay and does not impact on sick pay.
- 14.3. The Headteacher will discuss and agree with HR how to obtain the appropriate medical advice which will allow management to make an informed decision regarding the employees return to work.

## **15. Sickiness and Working at Home**

- 15.1. Sick leave is important to enable recovery and as such requires a detachment from the employee's duties and working environment. Where an employee has been signed off sick by their GP it may possible for the employee to undertake some work from home (only where this is operationally feasible) where both the employee and their Headteacher feel that this would be beneficial to their rehabilitation. It would also be appropriate to consider whether it is possible to allow the employee to work from home on occasion should it be recommended by a GP or Occupational Health as a reasonable adjustment or as part of a phased return.
- 15.2. Where an employee is fit to work from home, they will need to ensure that the hours worked are distinguished from those hours the employee is unable to work due to illness. Hours where the employee is unable to work from home must be recorded as sick leave. To ensure accurate recording and avoid any overpayment issues Headteachers and employees must agree the working pattern in advance.

## **16. Transition Related Absence**

- 16.1. Individuals in sexual transition will be able to take time off for medical and/ or surgical treatment. For other treatments, such as voice training or electrolysis, requests for time off will be treated sympathetically; flexible working patterns may be considered as might unpaid leave.

## **17. Probationary Periods for Professional Services Staff**

- 17.1. All new Professional Services Staff are subject to a probationary period. Sickness absence issues that arise during a Professional Services Staff probationary period may be taken into account in determining whether or not the probationary period is completed satisfactorily and this Policy (save for the sickness absence reporting procedure) will not normally apply. Where the employee is absent from work due to a disability this should not be taken into account in determining whether or not the probationary period is completed satisfactorily.

## **18. Unauthorised Absence/False Information**

18.1. Unauthorised absence is absence from work, which is either, without:

- The prior permission of the Headteacher or a senior manager; or
- Cause, i.e where there is no acceptable reason or explanation for your absence

18.2. Unauthorised absence is considered to be gross misconduct and the School/Trust may choose to deal it with under the Disciplinary Procedure and could result in disciplinary action which may include dismissal.

18.3. The provision of any false information will be dealt with under our Disciplinary Procedure and could result in disciplinary action, which may include dismissal.

Approved annual leave, family leave periods (for example, maternity, paternity or adoption leave) and approved compassionate or special leave do not constitute unauthorised absence.

18.4. You will not be paid for any days of unauthorised absence.

## **19. Attendance at Absence Meetings**

19.1. The employee must take all reasonable steps to attend meetings. Failure to do so without good reason may be treated as misconduct. Employees requests to be accompanied to informal meetings by a trade union representative or workplace colleague will be considered on a case by case basis under this policy. It is expected that the request would be approved unless there are specific circumstances where the Trust legitimately believes this would be unsupportive for the employee. At all formal meetings employees may be accompanied by a Companion (see Terms of Reference). If the employee (and/or his/her companion) is unable to attend at the time specified, the employee should immediately inform the senior manager that is due to hold the meeting, who will normally seek to agree an alternative time. Meetings will not normally be postponed beyond 5 working days. Depending on the circumstances, if an employee indicates that they are unable to attend a formal or informal meeting the school will explore alternatives to accommodate the employee and they will be given the option to:

- meet in another venue or at their home; or
- attend via telephone conference; or
- send a Companion to represent them, providing appropriate written consent (though this will not normally apply in the case of informal meetings or discussions); or
- provide a written submission; or
- request that the meeting takes place in their absence.

19.2. If an employee fails to communicate their wishes with regard to the above, the meeting may take place in their absence with the outcome communicated to them

in writing. Meetings will not, in normal circumstances, be postponed beyond 5 working days unless there is medical evidence that the employee is not medically fit to take part by any of the means described in clause 9.1 and, even if this is the case, the employer reserves the right to proceed with any necessary steps required to manage the specific case including holding meetings notwithstanding, as appropriate.

19.3. Any Headteacher or senior manager visiting an employee's home will be accompanied by another manager/ member of staff. Any member of staff who is visited at home will be entitled to be accompanied by a Trade Union Representative, friend or family member.

19.4. A meeting may be adjourned if the Headteacher or the senior manager is awaiting receipt of information, needs to gather any further information or give consideration to matters discussed at a previous meeting. The employee will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.

## **20. Combination of short- and long-term absences**

Where an employee's combination of short- and long-term absence is giving cause for concern the overall absence record must be taken into account when making a decision about how to manage the attendance issues. The approach taken will vary depending on whether the employee is currently subject to the short term or long-term procedure.

## **21. Managing Short-term absence - Informal Procedure**

### **21.1. Return to Work Discussion**

The senior manager or Headteacher will normally have a discussion with the employee on their return from a period of sickness absence. The purpose of this discussion is to determine the reason for the absence and, where appropriate, offer assistance and support. It is also an opportunity to identify any difficulties that the employee is experiencing in carrying out the duties of the post and gives the employee an opportunity to raise any concerns or questions and bring any matters to the manager's attention. The return to work discussion should be held in private as soon as possible after a period of sickness absence, though it need not be long. A record of the discussion as well as any action points should be documented on a Return to Work form and the employee will be provided with a copy. Please see Appendix B for the Return to Work form, in addition it can be obtained from the school office.

### **21.2. Informal Sickness Absence Meetings**

Informal sickness absence meetings may be arranged with employees whenever it is considered necessary including, for example, if the employee has had:

- **either 3 periods or 10 days (whichever is the earlier) in a 6-month rolling period; or**

- **where trigger points have not yet been reached but absence levels/patterns give cause for concern.**

21.3. Occasionally, certain absences will be disregarded, for example, where an employee has a regular hospital appointment or a pregnancy related illness. Where absences are specifically related to a disability a reasonable adjustment may include revised trigger points for the employee.

In preparation for the meeting the senior manager/Headteacher may, when appropriate:

- consider the employee's statistical data on levels and types of sickness absence;
- confirm that an unsatisfactory level of attendance has been reached, depending on the circumstances, or that the record shows a pattern of absence or some other factual data which identifies the cause for concern;
- consider the job description and the impact of the absences on all affected; the work of the School (or Trust where relevant) and on the team working with the employee.

The purpose of the meeting is to agree a way forward, any action that will be taken and a timescale for review and/or a further meeting under the sickness absence procedure if this is required. A referral to Occupational Health may be appropriate following the meeting.

The senior manager/Headteacher will, in normal circumstances, use the Sickness Absence Meeting Proforma at Appendix A as the agenda for the meeting and will record salient points. The employee will be given a completed signed copy after the meeting. There will be a section for the employee to comment on the form.

There is no entitlement for the employee to be accompanied by a Companion at an informal sickness absence meeting, however requests to be accompanied will be considered on an individual basis. It is expected that the request would be approved unless there are specific circumstances where the Trust legitimately believes this would be unsupportive for the employee. A note taker may be present at the request of the employee and/or the Headteacher/manager, but that will not normally be necessary.

#### 21.4. Monitoring Period following Informal Sickness Absence Meeting

After conducting a sickness absence meeting, the senior manager/Headteacher will review or monitor the employee's attendance for a further period, normally this will be for a period of not less than one month and no longer than three months. Further meetings may take place during the monitoring period if there are further instances of sickness absence.

The senior manager/Headteacher will:

- assess the employee's absence record and its impact;
- attempt to establish reasons for any on-going absence(s);

- consider requests by the employee to be accompanied by a workplace colleague or Trade Union representative to meetings during the monitoring period on a case by case basis;
- offer any assistance to the employee (e.g. Occupational Health, Employee Assistance/Counselling); and
- consider what, if any, measures might improve the employee's health and/or attendance with a view to supporting the employee and improving the employee's attendance record.

The senior manager/Headteacher will set expected levels of attendance for the duration of the monitoring period, this will be at the discretion of the senior manager/Headteacher on a case-by-case basis but at a minimum to the trigger levels noted in in 22.2.

During the monitoring period the senior manager or Headteacher may require that any period of absence is covered by a medical certificate (Fit Note). If the employee has a fit note which states 'may be fit for work', the process in 12.2 will also be followed. If the suggested support cannot be reasonably accommodated in order to facilitate the employee's return to work, a decision may be made to move to the formal part of the procedure (see section 17).

21.5. Where the senior manager/Headteacher is of the view that the employee's attendance has not improved to an acceptable level after the review period, the senior manager/Headteacher should inform the employee that the issue will:

- be referred to Stage 1 of the formal procedure. A letter requiring attendance at a Stage 1 meeting will be sent to the employee; or
- if there are exceptional circumstances and it is appropriate to do so, extend the review period.

## **22. Formal Procedure**

### **22.1. Stages in the Process**

There are two stages in the formal process. The type of case (i.e. short or long-term absence) will determine the need to move either through the stages or, in some circumstances, directly to Stage 2. The procedure can end at any point in the process if there is sustained improvement. If further unacceptable periods of absence arise within 12 months of a Stage 1 meeting being held, the procedure may resume at Stage 2.

### **22.2. Preparation for Stage 1 Formal Meeting**

The Headteacher or a senior manager will arrange a formal meeting with the employee and give him/her notice of 5 working days in writing, of:

- the reason for the meeting, outlining the concerns about the employee's attendance;

- a copy of the employee's attendance record
- the time, date and location of the meeting;
- who will be conducting the meeting and who else will be present;
- copies of any documents to be referred to including any previous action plans;
- the employee's right to be accompanied by a Companion and to refer to any documents/other parties if he/she wishes; and
- the requirement for the employee to provide at least 2 days prior to the meeting;
- the name of his/her representative (if applicable); and
- copies of any papers to be referred to and other parties to be called (if applicable).

The employee should be given sufficient time before any meeting to prepare. In the event that the employee falls ill or other circumstances beyond the employee's control prevent him/her from attending the meeting, then an alternative date within 5 working days of the original meeting should be arranged. Should the employee's companion be unavailable, an alternative meeting within 5 working days of the original meeting should be offered. If the employee, their representative or a work colleague is unable to attend on the revised date, the meeting should still take place.

### 22.3. Stage 1 Meeting

22.3.1. At the Stage 1 meeting the Headteacher/senior manager will explain the purpose of the meeting. The following points are by way of guidance only:

- discuss the reasons, including any underlying causes for the employee's absence;
- explain how the employee's attendance has been assessed as unacceptable and the effect on teaching and learning, service delivery and colleagues;
- review the results of the informal procedure, including any measures taken to support the employee so far. Include any reasonable adjustments if appropriate, any work-related issues and consider the content of any medical reports and advice received;
- discuss the likelihood of further absences, if absent on a number of occasions or how long the absence is likely to last, if absent on long-term sickness absence;
- seek agreement from the employee for a referral to Occupational Health if this is required and/or appropriate in the circumstances;
- consider the employee's ability to return to/remain in his/her job in view both of his/her capabilities and the School (or Trust's where relevant) needs and

any adjustments that can reasonably be made, if appropriate, to his/her job to enable him/her to do so;

- consider possible redeployment opportunities and whether any adjustments can reasonably be made. This may include opportunities for redeploying the employee;
- where the employee is able to return from long-term sick leave, whether to his/her job or a redeployed job if possible and/or appropriate, agreeing a return to work programme;
- give the employee and/or any Companion the opportunity to explain any mitigating circumstances;
- if appropriate, inform the employee that they may wish to consult their pension scheme provider with regard to ill health benefits;
- discuss the way forward and determine an agreed action plan that clearly identifies:
  - the improvements necessary to achieve satisfactory levels of attendance;
  - the timescale for improvement;
  - how attendance will be measured/monitored;
  - any additional support/training to be provided; and
  - the review period, (normally one month and no more than three months);

22.3.2. Where the employee has been referred to Occupational Health the Stage 1 meeting will be held after the Occupational Health assessment and the manager and employee are in receipt of the report.

22.3.3. The Headteacher/senior manager will set expected levels of attendance for the duration of the review period, this will be at the discretion of the Headteacher/senior manager on a case by case basis but at a minimum to the trigger levels noted in in 22.2.

22.3.4. The Headteacher/senior manager will write to the employee, normally within 5 working days of the Formal Stage 1 Meeting, to:

- confirm the action plan in writing; and
- advise the employee that if he/she fails to achieve the improvements in the review period then, unless the circumstances otherwise require, a Stage 2 meeting will be arranged where dismissal will be considered;
- confirm the employee's right to ask that another Senior Manager or Governor/Trustee(s) (as appropriate) review(s) the decision at an appeal meeting. Any appeal should be made in writing to the Headteacher (or the Senior Manager who carried out the meeting) within 5 working days of the date on which the decision was sent to the employee.

## 22.4. Stage 1 Review Period

22.4.1. The Headteacher/senior manager will ensure that during the review period the employee's attendance is closely and objectively monitored. Normally, if practicably possible, weekly supervision meetings will be held between the employee and the Headteacher/senior manager to ensure:

- effective monitoring;
- appropriate support is given to the employee;
- usual reporting procedures are being followed;
- positive feedback is given where possible; and
- if further periods of non-attendance are identified, the reasons are discussed.

22.4.2. Notes of the monitoring process will normally be kept by the Headteacher/senior manager that has carried out the meeting and a copy provided to the employee. The notes may be referred to at Stage 2 of the procedure.

## 22.5. Stage 1 Review Period Evaluation

22.5.1. If, at the end of the review period, the employee's level of attendance has improved to acceptable standards, no further action will be taken under this procedure, unless an acceptable level of attendance is not sustained during the next 12 months.

22.5.2. The decision to take no further action will be confirmed by the Headteacher/senior manager in writing, normally within 5 working days of the end of the review period. This letter will also confirm that the improved attendance must be sustained consistently during the next 12 months and explain that if there are further unacceptable periods of absence the Sickness Absence Procedure may be invoked at Stage 2. A copy of this letter will be kept on the employee's personnel file for 12 months.

22.5.3. If, at the end of the review period, the employee's attendance has not improved to acceptable standards then:

- the issue will be referred to the Headteacher under Stage 2 of the procedure;  
or

in exceptional circumstances, if appropriate, the review period will be extended.

Where the employee is in a Pension Scheme it may be appropriate to explore eligibility for an ill health pension award prior to convening a Stage 2 Meeting.

## 22.6. Preparation for a Stage 2 Meeting

22.6.1. The Headteacher has authority to hold a Stage 2 meeting. In the event that the Headteacher has held the Stage 1 meeting then Stage 2 may be considered by a Committee of Governors and/or Trustees.

22.6.2. The Headteacher will hold a formal meeting with the employee giving him/her 5 working days' notice, in writing, of:

- the reason for the meeting, outlining the outstanding concerns about the employee's level of attendance due to ill-health;
- the time, date and location of the meeting;
- who will be conducting the meeting and who else will be present;
- A record of the employees absence to date;
- any documents to be referred to, which may include, as appropriate, previous action plans, notes of the monitoring process, copies of reports received from Occupational Health or other medical specialists;
- the employee's right to be accompanied by a companion as above, to call other parties and to refer to any documents he/she wishes, copies of which should be sent to the Headteacher at least 2 days in advance of the meeting; and
- the possible consequences of the meeting, i.e. that it may result in the employee's dismissal, if appropriate.

22.6.3. The employee should be given sufficient time before any meeting to prepare. In the event that the employee falls ill or other circumstances beyond the employee's control prevent him/her from attending the meeting, then an alternative date within 5 working days of the original meeting should be arranged. Should the employee's companion be unavailable, an alternative meeting within 5 working days of the original meeting should be offered. If the employee, their representative or a work colleague is unable to attend on the revised date, the meeting should still take place.

## 22.7. Stage 2 Meeting

22.7.1. At the meeting the Headteacher may (with advice from an HR Advisor where necessary) and by way of guidance only:

- explain the purpose of the Stage 2 meeting
- ask the Headteacher to outline:
- the ways in which the employee has been assessed as not meeting the expected levels of attendance due to ill-health;
- the process so far under the sickness absence procedure;
- any opportunities for return or redeployment that have been identified and where identified, the outcome of discussions with the employee
- review, as appropriate:
- levels of attendance expected;

- notes of the formal Sickness Absence meetings, records of home visits or other meetings plus any other information relating to the informal action taken;
- the previous monitoring of attendance and steps taken under any appropriate action plans;
- medical advice received from Occupational Health or other medical specialists; and
- measures taken by management to support the employee, e.g. reasonable adjustments if applicable
- discuss with the employee and his/her companion whether the employee has been assessed as achieving the required improvements in attendance;
- review the effect of the unsatisfactory level of attendance on teaching and learning, service delivery and work colleagues;
- explore, as appropriate, the potential for the employee to achieve a sustained improvement in attendance;
- give the employee and/or his/her companion opportunity to answer the points made and to give an explanation or put forward any mitigating circumstances.

22.7.2. In circumstances where the Headteacher has assumed the role of the Headteacher/senior manager at an earlier stage or does not have delegated power of dismissal, a Governor/Committee of Governors (or Trustees where relevant) will assume the role of the Headteacher as set out above.

22.8. Any recommendation of dismissal, from a Governors Panel or Headteacher, will be heard and considered for authorisation by the Board of Trustees (or a delegated representative group of such). The Board of Trustees (or a delegated representative group of such) will make the final decision on dismissal.

#### 22.9. Stage 2 Decision

22.9.1. Following the discussions, the Headteacher/Governors Panel will adjourn the meeting to consider the options available including, without limit and for guidance only:

- to take no further action under the procedure;
- to set a further/final review period of not less than one month and no longer than three months to allow for additional monitoring and/or additional management support. A further Formal Stage 2 meeting may be held at the end of this review period. If attendance is not satisfactory by that time, then the employee may be dismissed;
- to recommend to Trustees that the employee is dismissed for lack of capability due to ill-health, ensuring that alternative work options have already been explored or will be explored during the employee's notice

period, that there is no prospect of their return within a reasonable timeframe, or that they will be able to achieve or sustain their attendance.

If the outcome of the hearing is dismissal the Chair of the Panel will notify an agreed representative of the Board of Trustees, detailing the procedure that has been followed in reaching the decision.

The employee shall be informed verbally as soon as practicable and confirm in writing within 5 working days.

#### 22.10. Dismissal

22.10.1. Any recommendation of dismissal, from a hearing panel or Headteacher, will be heard and considered for authorisation by the Board of Trustees (or a delegated representative group of such). The Board of Trustees (or a delegated representative group of such) will make the final decision on dismissal.

The Headteacher/ Governors Panel will confirm in writing, to the employee within 5 working days, or as soon as reasonably practicable thereafter:

- that he/she has been dismissed;
- the grounds for dismissal and the reasons;
- the required contractual or statutory notice due (or payment in lieu of notice where applicable) and the date the dismissal will be effective;
- the employee's right of appeal against the dismissal to an Appeal Committee of the Governing Body (or Appeal Committee of the Trustees where relevant)

Termination will normally be with full notice or payment in lieu of notice. In some cases, it may not be appropriate for the employee to work during his/her notice period. Further, the contract may provide that the employee remains at home on 'garden leave' or this may be agreed between the parties. A Fit Note must be provided that covers the employee's notice period if the absence is due to sickness.

### **23. Managing Long Term Absence**

23.1. Each case must be judged on its own merits; however, as a general rule senior managers/Headteachers and HR should arrange a Long-term Absence Review Meeting for absences of 28 calendar days or more. Consideration should be given to obtaining medical advice prior to the review meeting taking place.

23.2. An employee shall, if required at any time, attend an Occupational Health (OH) or other medical appointment/examination by a registered medical practitioner nominated by the School (or Trust where relevant).

23.3. Any Occupational Health assessments to be referred to, should be no greater than 3 months old so that the most up to date information is accessible

- 23.4. Once a medical report has been obtained then a further Long-Term Absence Review meeting will take place to examine the report and options available, for example: phased return, reasonable adjustments, redeployment, the feasibility of ill health retirement, the need to progress to a Formal Stage 2 Review meeting.
- 23.5. Redeployment should be considered as an option when the reasonable adjustment suggested by the medical advice cannot be accommodated within the employee's current role. In the case of Long-Term Absence this option should be explored at the Formal Stage 2 Review meeting. The success of this option will depend on the availability of suitable vacant posts within the school and there is no obligation on the school to specifically create a post in such circumstances.
- 23.6. Decisions on whether to continue with further Long-Term Absence Review Meetings or move to a Formal Stage 2 Review meeting will be considered no later than three months from the first day of absence but made on a case by case basis. Absences of three months in duration with no prospect of a return to work date must progress to a Formal Stage 2 Review meeting at which dismissal may be considered.
- 23.7. A Formal Stage 2 Review meeting will be arranged in line with the process outlined within section 22 above.

## **24. Appeals**

- 24.1. An employee has the right to appeal against a decision. Any appeal must be submitted within 5 working days of receipt of the letter confirming the decision and must clearly state the grounds for appeal. All appeals against dismissal will be heard by the Appeal Committee of the Governing Body (or Appeal Committee of the Trustees where relevant). The purpose of an appeal hearing is to review the decision made to dismiss the employee and to decide if this decision was reasonable in all the circumstances.
- 24.2. The appeal hearing will ideally be held as soon as possible, taking into account the availability of all those involved and wherever possible within 20 working days, following the receipt of the full appeal. The employee will be given details of the arrangements 10 working days in advance of the hearing. The employee will have the right to representation at the hearing by a Companion. The accompanying person can address the meeting/hearing, but not answer questions on behalf of the employee unless this is agreed by the chair of the meeting/hearing.
- 24.3. Management and the employee should provide the Appeal Committee of the Governing Body (or Appeal Committee of the Trustees where relevant) with any written material to be used at the hearing at least 5 working days prior to the hearing.
- 24.4. The Appeal Committee of the Governing Body (or Appeal Committee of the Trustees where relevant) will arrange for a copy of the other party's written material to be provided to management and the employee at least 3 working days prior to the hearing.

The Appeal Committee of the Governing Body (or Appeal Committee of the Trustees where relevant) has the authority to:

- uphold the appeal (i.e. to reinstate the employee); and/or
- issue a lesser level of management action, e.g. to:
- drop the formal process;
- refer to a lower stage in the formal process; and/or
- reduce standards of attendance or targets set in the action plan; or
- dismiss the appeal, i.e. the decision to dismiss remains in force.

24.5. The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity or pay. The decision of the Appeal Committee of the Governing Body (or Appeal Committee of the Trustees where relevant) is final and will be communicated within 5 working days of the hearing. The employee has no further right of appeal.

## **25. Statutory Sick Pay (SSP)**

25.1. Provided you have complied with all statutory requirements, we will pay you SSP for each qualifying day that you are absent from work owing to sickness or injury. Qualifying days are the days that you would normally be required to work, as per your normal Terms and Conditions of Employment. The first three qualifying days of absence are 'waiting days' for which SSP is not payable. Where a second or subsequent period of incapacity (of four days or more) occurs within 56 days of a previous period of capacity, waiting days are not served again.

25.2. SSP is payable by us to you (providing you are eligible) and have been absent from work because of illness for four or more consecutive days including weekends and public/bank holidays. It will be paid for a maximum of 28 weeks in relation to any one incident of sickness, in accordance with HMRC regulations. However, where School sick pay has been paid to you that equals or exceeds your SSP entitlement, then SSP will be deemed to have been paid.

25.3. SSP payments are treated like salary and are subject to statutory deductions.

## **26. Sick Pay**

26.1. Your entitlement to Sick Pay is set out in your Contract of Employment and in the case of teachers is also set out in the Conditions of Service of School Teachers in England and Wales and provided you have complied with the sick leave and SSP clauses above, we will pay staff according to these terms during any unavoidable absence owing to sickness or injury.

- 26.2. Any days of contractual sickness/injury payments that qualify for SSP will be offset against SSP on a day-to-day basis. An offset will be made for any other State benefits received if you are excluded or transferred from SSP.
- 26.3. If you are entitled to any contractual payments in excess of SSP and your entitlement expires, full or part-payment may be allowed at our discretion where it is considered that there are special circumstances warranting it. This will be approved by the Head Teacher and Governing Body.
- 26.4. Holiday entitlement continues to accrue during absence due to sickness or injury. However, you must follow the proper notice procedures to exercise it.
- 26.5. You may not receive School sick pay if you are absent from work due to an injury caused by your performance of a dangerous activity, or if you are discovered to be working elsewhere during your period of sickness absence, whether or not this is during your normal hours of work. Payment of School sick pay under these circumstances will be at our absolute discretion.

# Appendix A

## Sickness Absence Meeting Record

This is the management record of a meeting, It is strictly confidential. It will be held on the employee's personnel file until such time as the employee's attendance is wholly satisfactory and for 12 months thereafter. The record may be accessed and referred to by those with authority to manage the informal and formal stages of the Sickness Absence Management Policy. A Sickness Absence meeting is not part of the formal procedure and there is no entitlement for the employee to be accompanied or represented. The meeting will be held in private.

<b>Employee</b>		<b>Date of Meeting</b>	
<b>Interviewing Manager</b>		<b>Length of Service</b>	
<b>Details of Sickness Absence</b>			
<b>Period of Absence</b>		<b>Number of Days Absent</b>	
Reason/s for Absence			
Is absence related to a known or possible disability under the Equality Act? Has there been consideration of whether the 'trigger point' relating to days absence should be extended, or if the sickness absence policy should otherwise be modified?			
No <input type="checkbox"/> Yes <input type="checkbox"/> if yes – details of medical evidence must be attached			

### Details of Meeting

<b>Key Points Discussed</b>
Welcome and update, if necessary, on work events and changes
<b>Reasons for Absence</b>
Underlying medical condition?
<b>The value of your contribution</b>
The impact of absence on teaching and learning, service delivery and colleagues. How your work has been covered in your absence.
Are you fully recovered and able to resume full duties? Yes <input type="checkbox"/> No <input type="checkbox"/> If your view is "no" then action plan should consider:
<ul style="list-style-type: none"> <li>• Referral to Occupational Health (OH)</li> <li>• Temporary adjustments which can reasonably be accommodated?</li> </ul>

### Action Plan

**The objective is that attendance will be satisfactory to the employer. Is there anything we can do to improve your attendance, e.g., OH referral, counselling, a review of risk assessment, temporary or permanent reasonable adjustments to the workplace, working practices or working hours or training?**

**Is your absence in any way related to work?**

**Are you doing all you can to improve your attendance?**

e.g., Act on medical advice, lifestyle choices, attention to work life balance, non-medical support e.g. counselling.

**Fit note required for any period of absence during the monitoring period?**

(see paras 3 and 10.3)

Yes  No

## Review

**Attendance will be reviewed in:**

1 month  2 months  3 months  Date of review: [Click here to enter a date.](#)

Please note that further absence during this period may, depending on the circumstances, mean that the review is held under Stage 1 of the formal procedure if appropriate.

**Copy of Sickness Absence Policy and Procedure has been provided and process explained.**

Yes  Date: [Click here to enter a date.](#) No  (must be provided and explained prior to a formal meeting)

**Signature of Manager**

**Date**

**Signature of Employee**

**Date**

## Appendix B

### Return to Work Interview Form

#### The aim of the return to work interview is:

- to assist your manager and the Trust/School to identify where they can help your return to work and/or to help prevent a similar illness reoccurring
- to update you on any developments in your absence and discuss how your work was reallocated

---

Employee:	School:
Manager: (Conducting Interview)	Date of Interview:

---

#### Dates of this Absence

From:

To:

Total Days Absent: (this occurrence)

---

Did the individual follow Company Guidelines regarding sickness notification?

YES

NO

If YES, who did they notify? If NO, reason why not?

---

What was the reason for your absence?

Was the absence work related (stress, etc)?

YES

NO

---

Did you see a doctor?

YES

NO

If yes what did the doctor say?

Was a medical Certificate provided (if necessary)?

YES

NO

If No give details why.

Are you on any medication that we should be aware of?

How are you feeling now?

Is there anything you feel you need that we can do further to help/assist your return? i.e. are there any reasonable adjustments to be considered?

If appropriate, discuss the individual's pattern of sick leave, are there any underlying reasons, etc? Also inform individual of Trigger Point Activation (if relevant).

Any additional comments/observations or further actions needed.

I declare that I believe that I am now fit and well and am able to return to my normal duties.

Employee Signature: .....

Date: .....

---

Manager Signature: .....

Date:.....

***A copy of the interview notes should be sent to the employee for their own records, a second copy should be placed on the employee's file.***