Diocese of Norwich Education and Academies Trust

Management of Sickness Absence Policy

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Our Christian Ethos and Values

All policies within the Diocese of Norwich Education and Academies Trust (hereafter referred to as "the Trust"), whether relating to an individual academy or the whole Trust, will be written and implemented in line with our Christian ethos and values.

We have high ambition for all, and we truly value the wider educational experience.

We walk and talk our Christian values. We put people at the centre of the organisation and want to see them flourish and grow. Our schools are inclusive, welcoming those of all faiths and none.

Overall accountabilities and roles

The Trust has overall accountability for all its academies and staff. Through a Scheme of Delegation for each academy it sets out the responsibilities of the Trust, its Executive Officers, the Local Governing Body and the Principal / Head Teacher. The Principal / Head Teacher of each academy is responsible for the implementation of all policies of the Trust.

All employees of the Trust are subject to the Trust's policies.

Definitions

Headteacher refers to the Headteacher, or other senior manager delegated to deal with the matter by the Headteacher, or for centralised services the Chief Executive Officer, Chief Operating Officer, or other senior manager delegated to deal with this matter.

Companion refers to a person chosen by the employee to accompany them, who shall be a trade union representative or workplace colleagues.

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1. Introduction

1.1 The Trust recognises its responsibility for the health, safety and welfare of its employees and aims to foster a caring and supportive culture that encourages a consistent, proactive approach to all employee's health and wellbeing. This Policy for the Management of Sickness Absence 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 employees in the event of ill health difficulties and/or where their symptoms are impacting upon work. This policy does not form part of any employee's contract of employment, and it may be amended at any time. Procedures set out in this policy, including any time limits, may be varied as appropriate in any case.

1.2 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 employees 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 Trust. In addition, line managers have a clear obligation placed on them to identify and address problems in the work environment and/or job factors that may be contributing to employee absence.

1.3 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). The Trust are committed to creating an environment where employees are able to raise concerns about their health and any impact upon

work, and to ask for support and appropriate/reasonable adjustments. Should line managers notice a change in an employee's behaviour/ability whilst in the workplace then they should discuss this with the employee to see if there is a health condition they are not aware of and whether any support needs to be provided.

1.4 The CEO and Headteachers are responsible for monitoring the implementation of the Policy to ensure that the Policy is communicated to employees and that it is applied consistently. Levels of sickness absence will be monitored in conjunction with a designated HR Officer through regular HR meetings to identify areas where the work of the school, or Trust, in particular the continuity of teaching and learning, is being affected by absence levels. This will include long-term (more than 28 days) and short-term absence and reasons for absence. This Policy sets out the steps which the CEO and Headteacher will follow when employee sickness absence occurs.

1.5 Sickness absence may result from a disability under the Equality Act 2010. Reasonable adjustments to this Policy may be considered in appropriate cases, depending on the specific circumstances. HR advice should be obtained where there is medical evidence of, or the Headteacher/Trust considers the employee is likely to have a disability.

1.6 It is the expectation that return work meetings are conducted with employees upon their return to work and that these meetings are recorded using appendix 1 of the Policy and a copy be retained on the employees personal file.

1.7 Headteachers, Deputy Headteachers or another appropriate employee delegated by the Headteacher have authority to hold informal and formal absence meetings with employees. The CEO, or a member of the Executive Team with delegated authority by the CEO or another nominated member of the leadership team would hold informal and formal absence meetings in respect of the Headteacher or the Central Trust Team.

2. Employees' Responsibilities

2.1 Employees must attend work when fit to do so. It is important that all employees are familiar with and fully understand the Trusts/school's procedures for reporting sickness absence.

2.2 An employee who is prevented by illness or injury from attending work shall personally notify their line manager by telephone (ideally not a voicemail message) and later confirm in writing (usually an email or text) as soon as reasonably practicable, ideally no later than 2 hours prior to their normal start time at work. They should provide the following details:

- The nature of their illness/injury;
- The expected length of absence from work;
- Current contact details;
- Any outstanding or urgent work that requires attention.

2.3 Accurate sickness absence reporting is required in order to:

- Comply with statutory sick pay regulations;

- Ensure that employees who have been off work are paid correctly;
- Ensure the accuracy of individual sickness records; and
- Allow the school and Trust to monitor sickness absence at a strategic level.

2.4 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, email, letter or text message during the period of absence by the employee's Headteacher, line manager or another person nominated by the Headteacher, 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 and can result in an employee's pay being stopped or result in disciplinary action. Advice must be sought from a designated HR Officer before taking this action.

2.5 All employees must complete a self-certification form (appendix 2) detailing the reason for absence for any period of sickness absence up to seven days (this includes Saturdays and Sundays). The self-certification form can be obtained from the academy and must be completed immediately on return to duty and returned to the line manager.

2.6 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 school/Trust as soon as possible and, if absence continues further, Fit Notes should be provided to cover the whole period of absence. Further Fit Notes must ensure that the dates run concurrently with the previous Fit Note provided and should be provided to the school within three working day's of the previous Fit Notes expiry date. Failure to do so may result in non-payment of sick pay (where applicable) and/or disciplinary action if appropriate. HR advice should be sought in respect of the non-provision of Fit Notes.

2.7 Employees must continue to submit Fit Notes during school closure periods, unless the employee has advised the school that they would have been fit to work had the school not been closed.

2.8 The school will take a copy of the Fit Note for their records and return the original copy to the employee.

2.9 Fit notes can be issued by the following medical practitioners:

- GP's or Hospital Doctors
- Nurses
- Occupational Therapists
- Pharmacists; and
- Physiotherapists

2.10 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 Trust.

2.11 Employees should inform their Headteacher or line manager if they are experiencing any difficulties in the workplace due to a health condition so that this can be discussed and support identified and as well as any other action points e.g. a referral to Occupational Health. Early notification will help line managers to determine the most appropriate course of action to support an employee's individual needs.

2.12 There may be some instances where the employee may be reluctant to discuss this with their line manager because of the nature of their condition e.g., menopause. Where employees who do not wish to discuss the issue with their direct line manager, they may find it helpful to have an initial discussion with a trusted colleague or member of the Central HR team, Mental Health First Aider, wellbeing or menopause champion or a trade union representative if there is one in the workplace.

2.13 It is recognised that female employees may need support and adjustments at work before the menopause (known as the perimenopause) as well as during and after the menopause and they are encouraged to raise this as outlined in 2.11. It is understood that the menopause and perimenopause is an individual experience. Therefore, the age a female employee experiences symptoms can vary significantly as well the type of symptoms, severity of symptoms as well as the adjustments required. In addition, a trans man - someone who proposes to go through, is going through or has gone through a process, or part of a process, to change their gender from woman to man - may go through perimenopausal and menopausal symptoms. Early menopause can also take place following certain surgery or health conditions.

3. Illness or Injury arising from Work

3.1 Any accident arising out of, or in the course of, employment with the 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 Trust.

3.2 Where an employee seeks medical advice about an illness which is suspected or alleged to result from the nature of their employment, the employee must report relevant information to the Headteacher or line manager at the first opportunity.

3.3 In the case of the first, and any subsequent, absence due to industrial disease or accident an employee shall agree, at any time during such absence, if so required by the Trust, to a medical examination by a registered medical practitioner nominated by the Trust.

4. Long term sickness absence

4.1 Long term sickness absence is defined by the Trust as lasting 4 weeks or more (28 days or more). Recurring long term sickness absence is defined by the Trust as more than 1 episode of long-term sickness absence, with each episode lasting 4 weeks or more.

4.2 The school/Trust should seek advice with regard to long-term sickness absence from their designated HR Officer within the first 4 weeks of the absence. Ideally advice should be sought after 2 weeks when it is known through a 'fit note' that the employee's absence is going to exceed 28 days.

4.3 The Headteacher/line manager or nominated person by the Headteacher should make contact with the employee as early as possible. They should regularly keep in touch with employees who are 'not

fit for work' during periods of long-term sickness absence, including people with a chronic health condition or a progressive illness or disability covered by the Equality Act 2010.

4.4 When contacting an employee, the Headteacher, line manager or nominated person will:

- Be sensitive to the employees' individual needs and circumstances and be aware the style and content of their communication may impact on their wellbeing and decision to return to work. They will agree with the employee the method and frequency of keeping in touch;
- The aim of the communication is to keep in touch to provide support and help the employee to return to the workplace when their health improves. Provide reassurance that anything they share about their health will be kept confidential, unless there are serious concerns for their wellbeing or that of others;
- Consider if an early referral to Occupational Health could be helpful and that the employee is aware of the support provided by the Trust's Employee Assistance Provider.

5. General Return to Work Arrangements

5.1 Phased returns

Where an employee returns to work on a part time basis following long term sickness absence, with the expectation that they will be able to work their full contractual hours (or other such amended contractual hours as agreed) within a reasonable period of time (normally a maximum of 4 weeks), then, in accordance with medical advice provided by OH (if available) or through the employees GP, the following arrangements will normally be made in relation to pay:

- Where the employee has exhausted their sick pay entitlement, the salary payment made will be based only on the number of hours worked during the phased return;
- Where the employee has not exhausted their sick pay entitlement, the employee will be paid in accordance with the number of hours worked, or the occupational sick pay entitlement that would be payable if the employee remained off work due to sickness absence, whichever is the greater amount.

5.2 If the employee returns to work with a Fit Note which states 'may be fit for work', the employee should notify the school/Trust 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 'may be fit for work' advice. It may be necessary to seek further clarification from the provider of the fit note if the fit note does not provide clear guidance in relation to 'may be fit for work' prior to the employee being able to return to their role. Consideration will be given as to how the advice impacts the employee, the job, the workplace, service delivery, pupils and colleagues and whether it can be accommodated. The school may also seek OH advice to support with any decision making. The Fit Note provider'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;
- altered hours;
- amended duties;
- consideration of redeployment;
- workplace adaptations;

- other reasonable adjustments.

5.3 If a return to work is possible, the agreed action plan will be documented and implemented. If it is not possible to provide the support suggested by the doctor or OH, the note will be used as if the GP had advised 'not fit for work.' The employee will not need to return to the GP to obtain a revised statement. A further sickness review meeting will be held to review the support in place at an appropriate time.

5.4 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, menopausal or more general risk assessment may be required.

5.5 The employee may return to work before the expiry of a Fit Note without going back to see their doctor, even if their GP has indicated that they need to assess them again if the school are in agreement that the employee is fit to return. This will not breach the Trust's Employer's Liability Compulsory Insurance, providing a suitable risk assessment has taken place if required.

5.6 If it is deemed upon discussion with the employee that the school/Trust do not agree that the employee is fit to return prior to the expiry of the fit note, then the sickness absence will continue until the end of the fit note or until the school/Trust are in agreement that the employee is fit to return. The employee's absence will continue to be recorded as sickness absence and the employee will continue to be paid in accordance with their sick pay entitlement

6. Probationary Periods for Support Staff

6.1 All employees are subject to a probationary period. Sickness absence issues that arise during a 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. The probationary period may be extended if sickness absence means that the school/Trust are unable to fully assess an employee's performance.

7. Unauthorised Absence/False Information

7.1 Unauthorised absence will be dealt with under the Disciplinary Procedure and could result in disciplinary action which may include dismissal.

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

8. Attendance at Meetings

8.1 Employees must take all reasonable steps to attend meetings in relation to their sickness absence. Meetings will be arranged during the employee's contracted hours and days of work. Failure to do so without good reason may be treated as misconduct. Employees will not be entitled to attend informal meetings under this policy with a trade union representative. At all formal meetings employees may be accompanied by a trade union representative or workplace colleague. If the employee and/or their representative is unable to attend at the time and date specified, the employee should immediately inform the school/Trust who will normally seek to agree an alternative date and time within 5 working days of the original date. Meetings will not normally be postponed beyond 5 days. The Trust/school reserve the right to proceed in the employee's absence with any sickness absence meeting. Depending on the circumstances, if an employee indicates that

they are too unwell to attend a formal or informal meeting at the location contained within their invite letter, they will be given the option to:

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

8.2 Attendance meetings may take place without the employee being present if insufficient notice of non-attendance without a valid reason is provided or if the employee is unable to attend a meeting re-arranged at their request.

9. Informal procedure

9.1 Return to work discussion

After a period of sickness absence an employee may be invited to attend an informal return to work meeting, employees may also request a return to work meeting with their line manager, these will usually be held when an employee has been off work for a period of absence of 3 working days or more or when the employee has had several (three) short episodes of sickness absence, e.g. one day or less within a short time period. When an employee returns to work the Headteacher or their line manager should complete the return to work form with the employee (appendix 1) to determine the reason for their absence, ascertain their fitness to be in work, identify any difficulties that the employee is experiencing in carrying out the duties of the post and give the employee the opportunity to raise any concerns or questions and bring any matters to the manager's attention. This conversation should be held in private, though it need not be long.

9.2 Informal sickness absence meetings

Informal sickness absence meetings may be arranged with employees, when an employee is near to or has hit an absence trigger point.

The sickness absence triggers are detailed below:

10 working days within a 12 month period
3 occasions of absence within a 3 month period
28 working days or more of long term sickness
Unacceptable patterns of absence

Trigger points for employees working fewer than 5 days in a week will be pro-rata'd. It is important to note that the number of days will be pro-rata'd, but not the number of occasions.

9.3 Adjustments to the triggers may need to be considered where the employee is considered to have a disability that is impacting on their attendance and OH may be requested to advise further. The Headteacher/line manager should discuss any OH advice with their designated HR Officer in order to reach a decision on what adjustments are reasonable. Consideration should also be given in cases such as serious illness or post-operative recovery as well as disability.

9.4 Where absence levels are below the triggers/indicators above, but represent cause for concern this should be carefully and sensitively explained to the employee and repeated discussions should take place in the context of increasing concern.

9.5 Line managers should seek advice from their designated HR Officer in relation to implementing the informal process. HR will not normally attend informal meetings.

9.6 OH will be able to advise whether conditions meet the disability criteria under the Equality Act.

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

- confirm that an unsatisfactory level of attendance has been reached, depending on the circumstances, or that the absence 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 absences on all affected; the work of the school, Trust and on the work group.

9.8 The purpose of the meeting is to agree a way forward, and any action that will be taken and a timescale for review and/or a further meeting under the Policy if this is required.

9.9 The Headteacher or the line manager will, in normal circumstances use the sickness absence meeting proforma (appendix 3) as the agenda for the meeting and will record salient points. The employee will be given a completed signed copy after the meeting.

9.10 There will be no entitlement for the employee to be accompanied by a companion at an informal sickness absence meeting. A note taker may be present but that will not normally be necessary.

9.11 <u>Monitoring period following an informal sickness absence meeting</u>

After conducting a sickness absence meeting, the Headteacher/line manager 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 Headteacher/line manager will:

- assess the employee's absence record and its impact;
- attempt to establish reasons for any on-going absence/s;
- offer any assistance to the employee (e.g., Occupational Health, Employee Assistance Programme/Counselling);
- consider what, if any, measures/reasonable adjustments might improve the employee's health and/or attendance with a view to supporting the employee and improving the employee's attendance record.

9.12 During the monitoring period the Headteacher/line manager 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 5.2 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 Policy.

9.13 Where the Headteacher/line manager is of the view that the employee's attendance has not improved to an acceptable level after the review period, the Headteacher/line manager 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.

10. Formal process

10.1 Stages in the formal process

There are two stages in the formal process. The type of sickness absence case (short or long term absence) will determine the need to move either through the stages (short term absence) or, in some circumstances, directly to stage 2 (long term absence). 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 formal meeting being held, the procedure may resume at stage 2.

Advice should be sought from the school's designated HR Officer in relation to implementing and throughout the formal process.

11. Preparation for Stage 1 Formal Meeting

11.1 A formal meeting will be arranged with the employee and they will be given 5 working days notice of the meeting, in writing. The employee will also be informed of:

- the reason for the meeting, outlining the concerns about the employee's attendance;
- 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/monitoring plans;
- the employee's right to be accompanied by a companion, to call other parties/witnesses and to refer to any documents they wish, copies of which should be sent to the appropriate manager at least 2 days in advance of the meeting;
- the possible consequences of the meeting, i.e. that it may result in a warning or dismissal.

11.2 Stage 1 Formal Meeting

At the Stage 1 formal meeting the Headteacher/line 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 their job in view both of their capabilities and the School/Trust's needs and any adjustments that can reasonably be made, if appropriate, to their job to enable them to do so;
- consider possible redeployment opportunities and whether any adjustments can reasonably be made, if appropriate, to assist in redeploying the employee;
- where the employee is able to return from long-term sick leave, whether to their job or a redeployed job if possible and/or appropriate, agreeing a return to work;
- give the employee and/or any representative 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 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;
    - the review period (no more than three months).

The Headteacher/line manager will write to the employee, normally within 5 working days of the Stage 1 formal meeting, to:

- confirm the action plan in writing;
- advise the employee that if they fail to achieve the improvements in the review period then, unless the circumstances otherwise require, a Stage 2 formal meeting will be arranged where dismissal will be considered;
- advise the employee that should it become evident during the review period that they will not be able to achieve the improvement required due to further absences from work that the school/Trust may bring the review period to conclusion prior to the end date set, and proceed to stage 2;
- issue a first written warning or a final writing warning;
- confirm the employee's right to appeal.

The school's designated HR Officer will normally attend formal absence meetings to provide advice and support to the Headteacher/Line Manager.

11.3 <u>Stage 1 Review Period</u>

During the review period the employee's attendance will be closely and objectively monitored. Agreed supervision meetings will be held between the employee and the Headteacher/line manager. The frequency of the supervision meetings will be agreed at the formal stage meeting. The purpose of the supervision meetings is to ensure that:

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

Notes of the monitoring process will normally be kept by the Headteacher/line manager and a copy provided to the employee. The notes may be referred to at Stage 2 of the Policy.

11.4 Stage 1 Review Period Evaluation

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 Policy, unless an acceptable level of attendance is not sustained during the next 12 months.

The decision to take no further action will be confirmed 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 formal Stage 2 may be invoked. A copy of this letter will be kept on the employee's personnel file for 12 months.

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

- the issue will be referred proceed to Stage 2 of the Policy; 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 formal meeting.

12. Ill Health Retirement ('IHR')

The Trust will always consider an employee's eligibility for IHR before consideration is given to dismissing the employee for lack of capability due to ill health. IHR for support staff in the Local Government Pension Scheme (LGPS) must be certified by an independent occupational health adviser. For teachers, applications are assessed by medical advisers appointed by the DfE. Support staff who are granted IHR under the LGPS still need to be dismissed at a hearing in order to access their benefits. However, dismissal is not required for teachers and they simply need to agree an end date with the Trust once IHR has been granted and their pension has been awarded.

13. Preparation for a Stage 2 Formal Meeting

13.1 Stage 2 Meeting

A formal meeting will be arranged with the employee and they will be given 5 working days notice of the meeting, in writing. The employee will also be informed of:

- the reason for the meeting, outlining the concerns about the employee's attendance;
- 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, to call other parties/witnesses and to refer to any documents they wish, copies of which should be sent to the appropriate manager at least 2 days in advance of the meeting.
- the possible consequences of the meeting, i.e. that it may result in the employee's dismissal.

13.2 Conducting a Stage 2 Meeting

At the meeting the Headteacher/line manager may (with advice from their designated HR Officer where necessary) and by way of guidance only:

- explain the purpose of the Stage 2 meeting and 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 Policy;
- 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 their 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 and/or 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 their companion opportunity to answer the points made and to give an explanation or put forward any mitigating circumstances.

13.3 <u>Stage 2 Decision</u>

Following the discussion, the Headteacher/line manager will adjourn the meeting to consider the options available including, without limit and for guidance only:

- to take no further action under the Policy;
- to set a further/final review period 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; If, at the end of this review period, the employee's level of attendance has improved to acceptable standards, no further action will be taken under this Policy, unless an acceptable level of attendance is not sustained during the next 12 months. If there are further unacceptable periods of absence the Sickness Absence Procedure may be invoked at Stage 2. A copy of the letter outlining this will be kept on the employee's personnel file for 12 months.
- to dismiss the employee for lack of capability due to ill-health, ensuring that alternative work options have already been explored, that there is no prospect of their return within a reasonable timeframe, or that they will be able to achieve or sustain their attendance.

13.4 <u>Dismissal</u>

If the decision at Stage 2 (or a deferred Stage 2 meeting if applicable) is to dismiss the employee, the Headteacher/line manager will inform the employee and their companion, that the employee is dismissed, with the required contractual or statutory notice.

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

- that they have 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.

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 their notice period. Further, the contract may provide that the employee remain at home, or this may be agreed between the parties.

14. Appeals

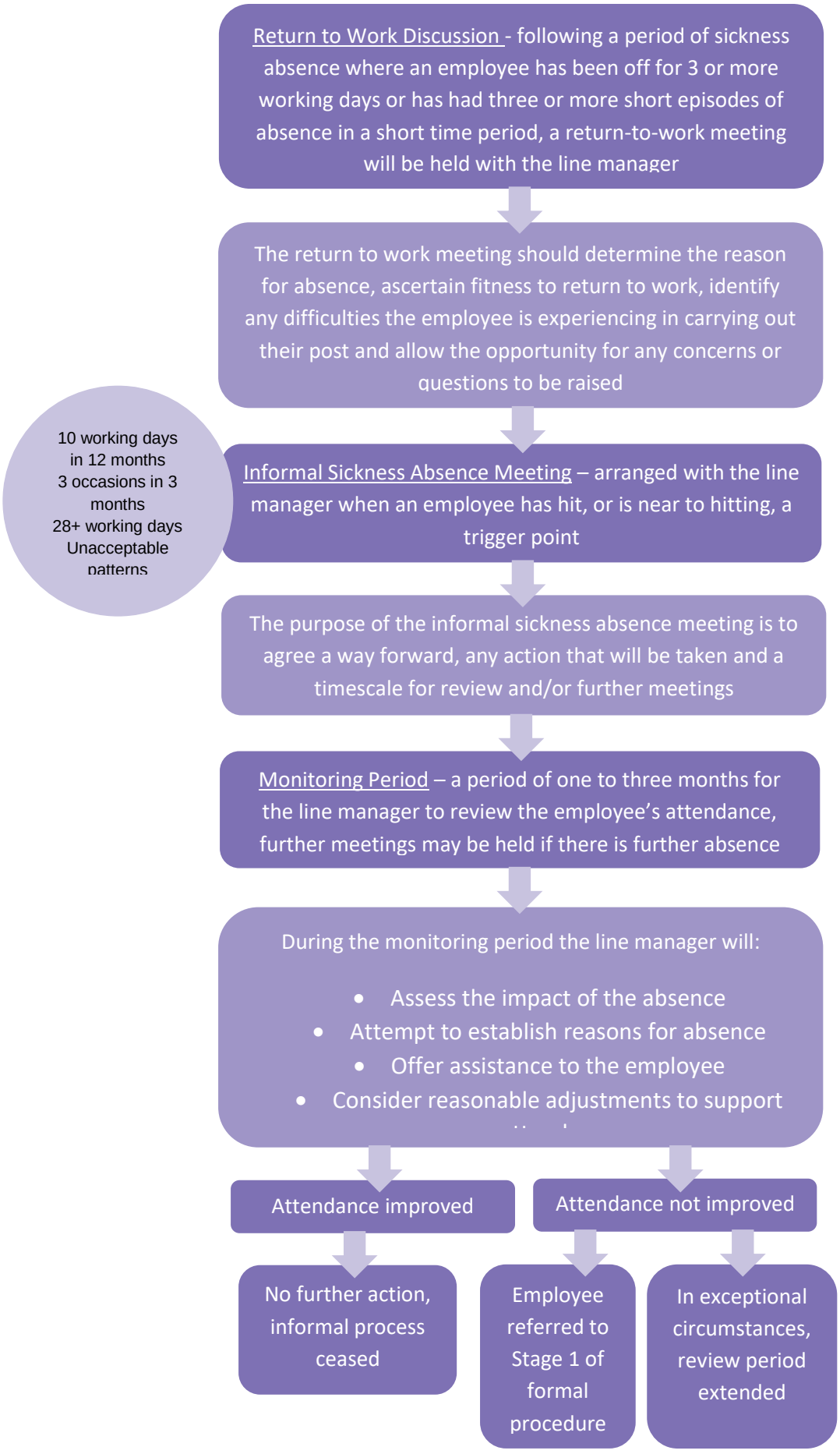
An employee has the right to appeal against a dismissal decision. Any appeal must be submitted within 10 days of receipt of the letter confirming the dismissal and must clearly state the grounds for appeal. All appeals against dismissal will be heard by an Appeal Panel. The purpose of an appeal hearing is to review the decision made to dismiss the employee and to decide if this decision was reasonable in all the circumstances. The appeal hearing will be held as soon as practicable, and the employee will have the right to representation at the hearing by a companion.

The Appeal Panel has the authority to:

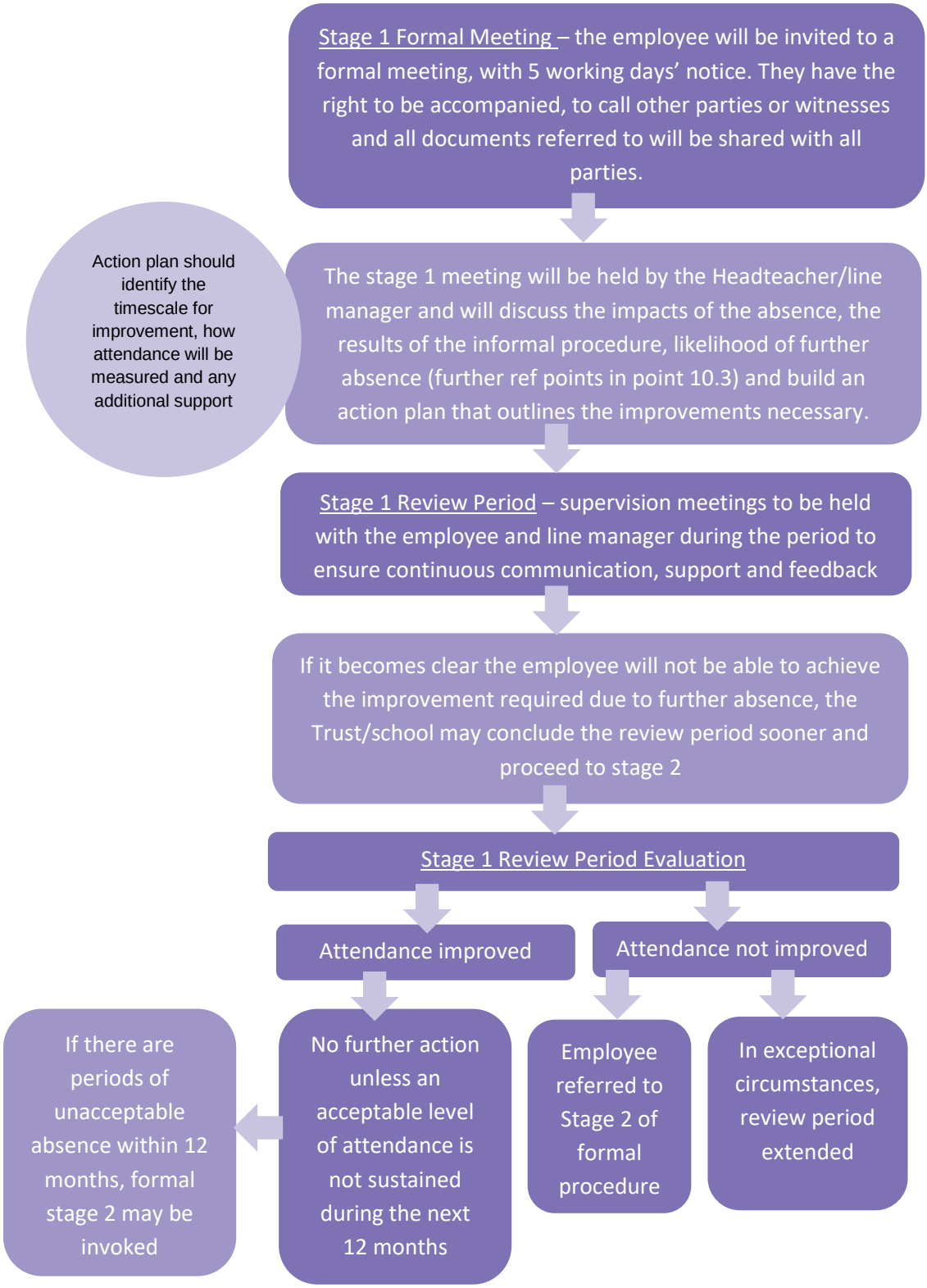
- uphold the appeal (i.e. to reinstate the employee);
- issue a lesser level of management action, e.g. to:
    - drop the formal process;
    - refer to a lower stage in the formal process; and/or
    - reduce standards of attendance or targets set in the action plan; or
    - dismiss the appeal, i.e.,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

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 Panel is final. The employee has no further right of appeal.

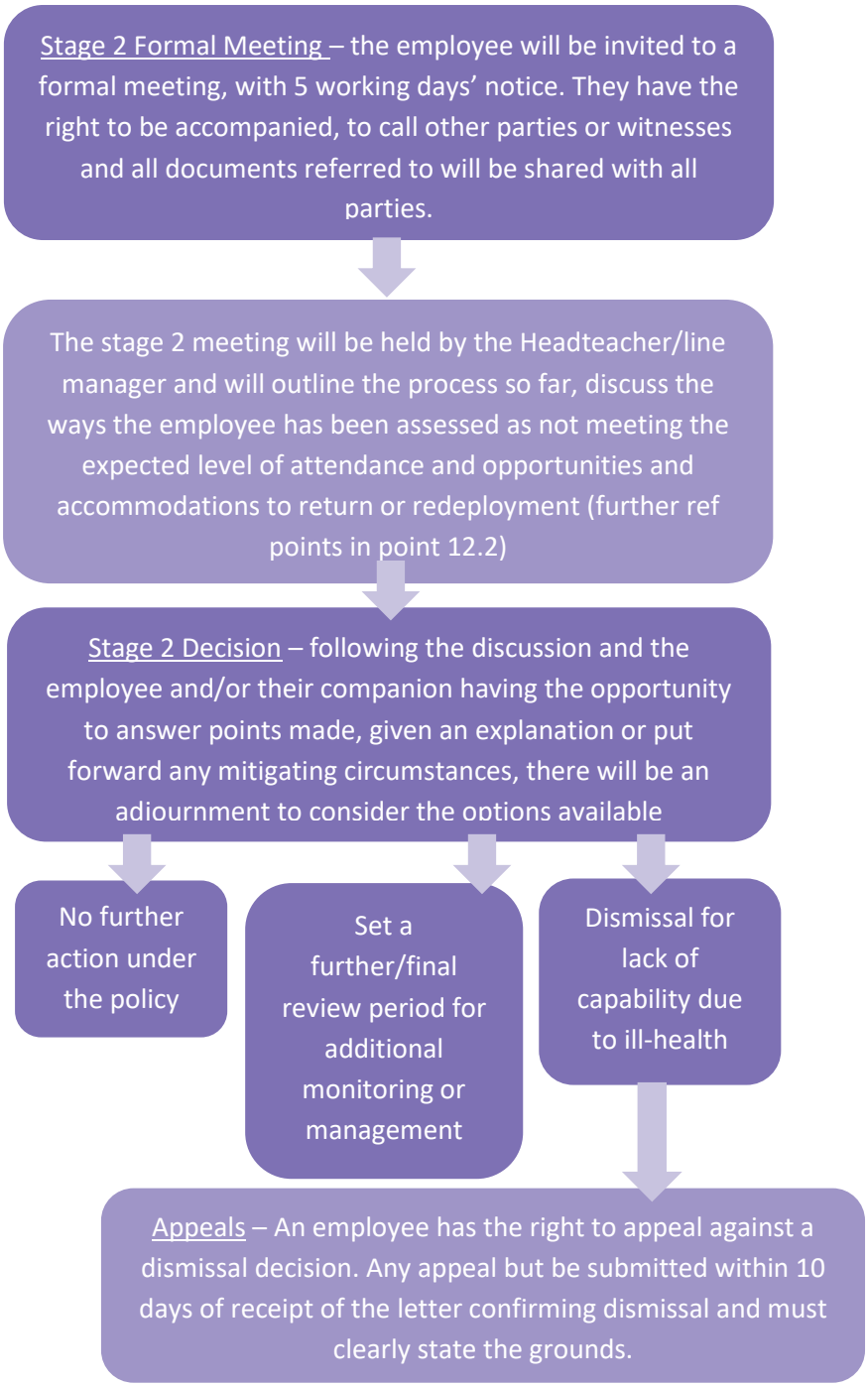
Informal Sickness Absence Flowchart



Stage 1 Formal Sickness Absence Flowchart



Stage 2 Formal Sickness Absence Flowchart



Appendix 1: Return to Work Discussion Pro-forma

RETURN TO WORK DISCUSSION PRO-FORMA

Name:	**Role:**
Date absence commenced:	**Date returned to work:**
Number of days absent:	
Reason for absence: (If disclosed by the employee).	
Cumulative absence previous 12 months/number of episodes incurred in previous 6 months:	
Comments/action to be taken:	
Headteacher/Line Manager signature:	
Employee Signature:	
Date:	
Review date (if applicable):	

Appendix 2: Self-Certification Form

This form supports the Sickness Absence Policy by providing us with information about the reason for your absence. This will allow us to develop strategies and implement initiatives to improve the health and wellbeing of employees. It will be used for pay purposes to ensure that your pay is accurate and that you are not over or under paid whilst on sick leave and that you receive all relevant benefits at the appropriate time. It will also be used to assess the Trust wide picture of sickness absence and ensure that we respond to the needs of employees.

Name:	**Role:**
Date absence commenced:	**Date Returned to work:**
Total number of days absent:	

Reason for absence	**Tick one box only**		**Description of symptoms**
Minor ailment (for example cold, headache, stomach upset)	Non-work-related ☐	Work-related ☐	
Respiratory (for example chest infection, bronchitis, asthma, pleurisy, pneumonia, emphysema, lung cancer)	Non-work-related ☐	Work-related ☐	
Heart/Circulatory (for example heart attack, stroke, hypertension – high blood pressure)	Non-work-related ☐	Work-related ☐	
Musculo-skeletal (for example back pain, lumbago, sciatica, sprain, strain, arthritis, tendonitis, spondylosis, frozen shoulder)	Non-work-related ☐	Work-related ☐	
Injury (for example broken bone, burn, scald, cuts, crushing, bruising)	Non-work-related ☐	Work-related ☐	
Mental wellbeing (for example stress, anxiety, depression)	Non-work-related ☐	Work-related ☐	
Infection/virus (for example influenza, measles, mumps, chickenpox, Covid, shingles, jaundice, hepatitis)	Non-work-related ☐	Work-related ☐	
Skin condition (for example eczema, psoriasis, dermatitis, rash)	Non-work-related ☐	Work-related ☐	
Any other condition not covered above	Non-work-related ☐	Work-related ☐	

Was this absence as a result of an accident at work?	Yes ☐	No ☐	
Employee signature:			
Date:			
Headteacher/Line Manager signature:			
Date:			

PLEASE NOTE:

(i) **If you are returning to work after a period of short-term sickness absence (a period of 1-7 days including weekends and public holidays**), you may have a 'Return to Work Interview' with your Headteacher/Line Manager, where you will discuss your completed form. Please take this opportunity to discuss any issues of concern.

(ii) **If your absence extends beyond this 7-day period**, you should provide a Statement of Fitness to Work and the your Headteacher/line manager will carry out a return to work meeting with you upon your return.

Appendix 3: Informal Sickness Absence Meeting Record

This is the management record of a meeting held the Sickness Absence Management Policy. It is strictly confidential and a copy will be held on the employee's file until such time as the employee's attendance is fully satisfactory and for 12 months thereafter. The record may be accessed and referred to by those with authority to manage the informal and formal procedures of the 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. This meeting will be held in private.

Employee name: Employee role:

Line Manager: Date of Meeting:

Length of service:

Details of Sickness Absence:

Details of the meeting

Key Points discussed – introduction and update (if necessary) on work events or changes

Reasons for absence?

Underlying medical condition?

Is absence related to a known or possibility disability under the Equality Act? Has there been consideration of whether the 'trigger' relating to days absence should be modified? Yes/No

The value of your contribution? The impact on teaching and learning/service delivery/colleagues. How your work been covered in your absence.

Are you fully recovered and able to fulfill duties? Yes / No

If your answer is 'no' then action plan should consider:

- Referral to Occupational health
- Temporary adjustments which can be reasonably accommodated

Action Plan

School Support

The objective is that attendance will be satisfactory. What can the school do to improve your attendance, e.g. occupational health referral, risk assessment or 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?

Personal Actions

What actions are you taking to improve your attendance?

E.g. acting on medical advice, lifestyle choices, attention to work/life balance, non medical support e.g counselling?

Is the employee aware of the support that can be provided through Employee Assistance Programme? Yes / No

Provide details if not aware.

Is a Fit Note required for any period of absence during the monitoring period? Yes / No

Review

Attendance will be reviewed in:

1 month 2 months 3 months Date of review: _____

Please note further absence during this period may, depending circumstances, mean that the review is held under Stage 1 / Stage 2 of the formal procedure if appropriate.

Copy of the Policy for the Management of Sickness Absence has been provided and explained.

Date provided: _____

Employee signature:

Date:

Headteacher/Line Manager signature:

Date: