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SICKNESS ABSENCE MANAGEMENT POLICY

Date or Review	Jan 2024
Next Review Date	Jan 2026
CEO	Sam Coy
Chair of the Trust	Graham Smith
Signed	
Date	

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Sickness Absence Management Policy

1 Introduction

We recognise our responsibility for employee’s health, safety and welfare. This sickness absence policy sets out our procedures for reporting sickness absence and for the management of sickness absence in a fair, supportive and consistent way. This policy places emphasis on proactive support for employees in the event of ill health difficulties and we are committed to working with employees to help support them to maintain high levels of attendance in the workplace. We are mindful of our obligations under the Equality Act 2010 as well as our responsibilities for the health, safety and welfare at work of employees under the Health and Safety at Work Act 1974. This policy does not form part of the contract of employment.

We may vary the procedures set out in this policy, including any time limits, as appropriate to any individual case.

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. We have high expectations regarding employee attendance, as we do for students. All medical information and records shall be treated with the utmost confidentiality.

2 Scope

This policy applies to all staff employed by Scholars, including directly employed central team staff, the Education Executive Team (EET) (this term includes the CEO, COO and CFO), Headteachers, teachers, NQTs and school support staff.

For the central team, the term ‘school’ shall be replaced by ‘central team’ and the term ‘Headteacher’ shall be replaced by ‘senior manager’ where appropriate.

Headteacher and management responsibilities

It is the responsibility of the Headteacher and all levels of management to ensure supportive systems are in place so that high standards of attendance can be met and to raise awareness of the effect of sickness and absence levels on individuals and the wider workplace.

This policy applies to the whole of Scholars Academy Trust

It is the responsibility of the Headteacher and the management team to monitor and control absence and to respond effectively, promptly and fairly to actual and potential problems. In addition, 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.

The Headteacher is responsible for monitoring the implementation of this policy across the school and to ensure that this policy is communicated to all employees and is applied fairly and consistently. Levels of sickness absence will be monitored and recorded. The Headteacher, or nominated person on his/her behalf, will identify areas where the work of the school, 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. The information will be reported to the Local Governing Body and the Trust on an anonymised basis.

Meetings held under this procedure will be conducted by a manager of relevant authority and, where appropriate, with support from an HR representative.

3 Employees' responsibilities

Employees are expected to attend work when fit to do so.

Notification of sickness absence

Employees must follow the Notification of Sickness Absence procedures. If an employee is prevented by illness or injury from reporting for duty, they shall personally* notify us as soon as possible by telephone on the FIRST DAY OF ABSENCE. Employees must ensure they are aware of local procedures, including telephone numbers, the appropriate person to contact, information to be provided, cover work requirements etc. * in exceptional circumstances, for example emergency hospital admission, a third party may notify us, following these principles. If an employee does not report for work and has not explained the reason for absence, then we will try to contact the employee, by telephone, text or email. This must not be treated as a substitute for reporting sickness absence.

The employee must provide a medical certificate (Fit Note) from the EIGHTH consecutive day of absence (including weekends and public holidays). Employees must continue to submit Fit Notes during school closure periods. We may take a copy of the Fit Note for our records and return the original copy to the employee. Employees must complete a self-certification form detailing the reason for absence for any period of sickness absence up to seven consecutive days (including weekends and public holidays). Employees must complete the self-certification form as soon as possible on return to duty, usually their first day back.

Absence that is not notified in accordance with the reporting procedures will be treated as unauthorised absence and may be treated as a disciplinary matter. Failure to provide a Fit Note may result in non-payment of sick pay.

Use of social networking during absence

Employees should be sensible about use of social networking sites during absences from work.

Attendance at a medical appointment/medical advice

It is expected that employees shall, if required by the Headteacher at any time, attend a medical examination by a registered medical practitioner nominated by the school, subject to the provisions of the Access to Medical Reports Act 1988 where applicable. Attendance at such a medical

examination is not mandatory, however failure to attend when requested will result in the relevant manager being required to make decisions based on the information available.

Teaching staff are reminded that it is a condition of their employment ('Burgundy Book'), that, in the case of prolonged or frequent absence, they must undertake an examination by an approved medical practitioner, as required by the employer.

It is expected that employees shall ensure medical advice and treatment is obtained and adhered to in order to facilitate a return to work as soon as possible.

We have a duty of care to all employees to seek appropriate medical advice to facilitate the employee's return to work as soon as possible.

Reimbursement of cost of doctors' statements.

Where we require a medical certificate (Fit Note) from employees, we shall, on provision of a receipt, reimburse the employee if a charge is made for the certificate.

Fit for Work service

Fit for Work is a Government funded initiative which provides free, expert and impartial work-related health advice to the public. Employees may find this a useful source of information. It is intended to complement, and not replace, the role of GPs or existing Occupational Health providers.

We will continue to use Occupational Health providers for advice and guidance.

Online services are available at www.fitforwork.org or the telephone advice line on 0800 032 6235.

4 Absence definitions

Short term absence is normally identified as absence that has no underlying long-term medical condition and is attributable to minor ailments. Often the absence is limited to a few days. However, it should be noted that a short-term absence pattern may be related to a disability or a long-term condition. Such absences may still be managed as short-term absences but with reference to the Disability Related Absence section of this policy.

Long-term absence is normally identified as an absence from work for one calendar month or more with an underlying medical condition and/or where there is no prospect of a return to work in the near future.

Trigger points

For managing short-term absence, we consider the following absences to be a cause for concern:

- Four or more episodes of sickness absence in a rolling 12-month period.
- 10 working days in a rolling 12-month period (pro rata for employees working fewer than five days per week).
- A pattern of absence causing concern e.g. regular absences on a particular day/week, before or after school closure periods/public holidays/pay day, frequent absence within a short period of time.

For managing long-term absence, the trigger point for action is an absence from work for one calendar month and/or where there is no prospect of a return to work in the near future.

Headteachers may use their discretion to deviate from the above where there are extenuating circumstances that would not be recognised by a strict application of the trigger points. Such deviation should be infrequent, informed and must not undermine the integrity of this policy.

Illness or injury arising from work

Any accident arising out of or in the course of employment with Scholars Academy Trust must be reported and recorded in accordance with the procedures laid down by us. The accident will be subject to investigation and report by an employee authorised by us for that purpose.

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

In the case of the first, and any subsequent, absence due to industrial disease or accident, it is expected that the employee shall submit, at any time during such absence if so required by the Headteacher, to a medical examination by a registered medical practitioner nominated by us. Attendance at such a medical examination is not mandatory however, failure to attend when requested will result in the relevant manager being required to make decisions based on the information available.

Disability-related absences

We fully recognise our obligations to fulfil the requirements of the Equality Act 2010 and that a failure to comply with this duty will amount to an act of discrimination.

Managers will ensure that reasonable adjustments to this procedure are considered where it is deemed that an employee has a disability as defined by The Equality Act 2010. This can include adjustments to trigger points. Disability-related absence will not be automatically discounted from consideration under this procedure.

When counting disability-related absences towards trigger points for unacceptable attendance procedures, managers must be able to demonstrate that they have considered:

- All reasonable adjustments to the number of days absence which triggers a review under the procedure.
- All reasonable adjustments to reorganise a job around the duties that an employee can perform; and
- All reasonable adjustments to working practices, the workplace and the work location.

Where the combination of both disability-related and general sickness absence exceeds the trigger points, the Head Teacher should seek advice from Occupational Health on any reasonable adjustments that should be considered.

In all cases where action may be required as a result of disability related absence, advice must be sought from the trust's HR provider.

Cosmetic surgery

Employees undergoing cosmetic surgery likely to result in an absence from work are encouraged to discuss the matter in confidence with the Headteacher. Each case will be considered on a case by case basis, on its facts and with full consideration of the provisions of the Equality Act 2010.

However, the general expectation is that employees will arrange for both surgery and the recovery period to take place during annual leave or school closure periods.

In all circumstances where a GP has issued a Fit Note following cosmetic surgery, stating that the employee is not fit to work and should refrain from work, the absence will be treated as sickness absence in the normal way.

Terminal illness

Each case will be considered with compassion and according to the individual circumstances. The wishes of the employee will be considered alongside the needs of the Trust. Where appropriate, advice will be sought from Occupational Health, the Local Government Pension Scheme and HR.

Decisions will be made bearing in mind possible entitlements such as early release of pension benefits, death in service benefits.

Contact during absence

Managers will maintain reasonable contact with employees during long term sickness absence, preferably by telephone. As a guide, if an employee is absent long term, contact should be at least once every three to four weeks. On each occasion, the two parties should agree when and by what method the next contact will be made. Contact will be non-intrusive and may include important communications for all staff. Where available, managers will alert absent employees to the Employee Assistance Programme.

Sickness during the working day

Employees who leave work during the working day due to illness will be classed as absent on that day for sick pay purposes. They will be required to self-certify for that day and attend a return to work interview. Absences of half a day or more will count towards absence triggers, with two half days treated as one full day.

5 Return to work

Return to work interviews must be conducted after every period of absence as they are an important part of absence management. They can help identify short- and long-term absence problems at an early stage; they also provide managers with an opportunity to start a dialogue with employees about their wellbeing, any underlying issues which may be causing the absence and allow them to make changes which will support the employee.

A return to work form must be completed by the manager and retained on the employee's personnel file with a copy provided to the employee.

Phased return to work

A phased return may be appropriate to help employees return to work from long-term absence gradually, with the expectation that they will be able to resume their full hours and/or duties within a reasonable period of time. What is reasonable will depend on individual circumstances.

It is expected that in most cases the need for a phased return will be supported by a Fit Note and advice provided by the GP or an occupational health advisor.

A phased return may include reduced hours and/or reduced duties and will be for an agreed period. This period will not usually be longer than four to six weeks, with a gradual build up towards full

hours and duties. However, each situation is different, and solutions will be flexible, planned and regularly reviewed.

Employees will receive full contractual pay for the period of the phased return agreed under the paragraph above. If there is a temporary reduction in hours and/or duties beyond the initial period, there will be a temporary contractual variation to the employee's hours and/or duties with the resultant change in pay until they resume full contractual hours and pay.

If the rehabilitation phase is expected to continue for a significant period of time, it may be appropriate to consider a permanent change to the employee's contract. This must be by mutual agreement and is subject to the needs of the Trust.

Other considerations

If the Fit Note states 'may be fit for work', the advice on the note will be discussed with the employee with consideration given to how it impacts upon their job, the workplace, students and colleagues. The GP's functional 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 a phased return to work, altered hours, amended duties, workplace adaptations, consideration of redeployment or other reasonable adjustments. 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 GP, the note will be used as if the GP had advised 'not fit for work'. Employees will not usually need to return to their GP to obtain a revised statement. An informal meeting may be held to review the support in place at an appropriate time.

We will consider whether a risk assessment is required to ensure the employee's health and safety in light of the reason for their ill health. For example, a stress, ergonomic or more general risk assessment may be required.

In consultation with their manager, employees 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 the employee again. This will not breach the school's Employer's Liability Compulsory Insurance, providing a suitable risk assessment has taken place if required.

Trade union representatives

To ensure that trade union representatives are not discriminated against as a result of carrying out their legitimate trade union duties, no action under the formal process will be taken against a recognised trade union representative without prior discussion with the full-time trade union officer.

Probationary periods for support staff

All new support staff are subject to a probationary period. Sickness absence issues that arise during a probationary period may be considered in determining whether or not the probationary period is completed satisfactorily and this procedure, other than section Notification of sickness absence, will not normally apply.

False information, unauthorised absence

The deliberate provision of any false information could result in disciplinary action being taken under the Disciplinary Policy, including the possibility of dismissal. Unauthorised absence could result in disciplinary action being taken under the Disciplinary Policy, including the possibility of dismissal.

6 Attendance at meetings

Employees must take all reasonable steps to attend meetings. Employees are not entitled to be accompanied at informal meetings. Employees may be accompanied at all formal meetings by a union representative or workplace colleague.

Throughout this procedure, if an employee indicates that they are too unwell to attend a formal or informal meeting they will be given the option to:

- rearrange the meeting to a time that is mutually convenient; or
- meet in a neutral venue or at their home; or
- attend via telephone conference; or
- send a trade union representative or work colleague to represent them, with appropriate written consent;
- or provide a written submission; or
- request that the meeting takes place in their absence.

If the 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 normally be postponed beyond five days unless there is medical evidence that the employee is not medically fit to take part by any of the means described above or unless trade union representation is not possible within that period. A meeting will not usually be postponed due to trade union representation availability for more than 10 days.

Any manager visiting the employee at home will be accompanied by another manager. The employee will be entitled to be accompanied at home by a trade union representative or workplace colleague.

7 Procedures

Formal procedure

Stage 1 of the formal process will start when the employee's absence record reaches a trigger point.

Stages in the formal process

There are three stages in the formal process. In some circumstances it may be appropriate to repeat any of the formal stages. The procedure can end at any point in the formal process if there is sustained improvement. If further concerns arise within 12 months of a Stage 1 or 2 meeting being held, the procedure may resume at Stage 2 or 3 respectively, dependent on the circumstances.

Throughout the formal procedure, managers will satisfy themselves that sufficient reasonable action has been taken to:

- seek medical advice
- consider whether the employee has a disability under the Equality Act 2010
- consider any support, training and adjustments that have been requested or implemented and the
- outcome of these actions
- whether there are any other work-related issues

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- ensure that the employee has been consulted throughout the process
- consider all of the circumstances and available information.

Formal warnings

A possible outcome of Stages 1 or 2 of the formal process is a formal warning for unsatisfactory attendance levels. The warning will remain live for six months (first) or 12 months (final), during which time the employee will be expected to show an immediate and sustained improvement in their attendance levels. Their attendance will be monitored throughout the period that the warning remains live. The consequence of failure to improve will be moving to the next stage of the formal process. A letter must be issued within 5 working days to confirm the warning, the period that it will remain live, the consequences of a failure to improve and to advise the right of appeal.

Stage 1 Sickness Absence Management Meeting

The purpose of the meeting will be for the manager to discuss with the employee the reasons behind the sickness absence in a supportive environment. The discussion will include employee wellbeing, actions that could be taken to further support the employee (for example make an occupational health referral), resolving any issues and assisting the employee's return to work if they are still absent.

Preparation for Stage 1 Sickness Absence Management Meeting

The manager invites the employee to attend a formal Stage 1 meeting, giving five working days' notice, in writing of:

- the reason for the meeting, outlining the concerns about their attendance
- a list of absences
- 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
- copy of the sickness absence management policy
- the employee's right to be accompanied by a workplace colleague or a union representative
- that a possible outcome from the meeting is a first written warning
- the employee's right to refer to any other documents and other parties if they wish
- the requirement, for the employee to provide two days prior to the meeting:
- the name of their representative (if applicable); and
- copies of any papers to be referred to and other parties to be called (if applicable).

Attendance at meetings is detailed in the section above of that name.

The Stage 1 meeting

During the meeting, and according to the particular circumstances, the manager will:

- establish reasons for the absence(s)
- explain the impact the absence is having on the school
- identify any underlying trends
- discuss possible ways of reducing absence in the future
- discuss any reasonable adjustments
- discuss whether a referral to occupational health may be beneficial
- discuss other available support (e.g. Fit for Work Advice, Employee Assistance Programme)

- considering the above discussions, set a target for the employee to achieve immediate and sustained improvement in their level of attendance
- inform the employee of possible actions if the level of absence does not improve
- set a review period, usually one or two months and no longer than three months
- if appropriate, issue a first written warning.

Following the meeting, the manager will consider whether any changes of practice in the school should be initiated to further support the employee.

Within five working days of the Stage 1 meeting the manager will write to the employee to:

- confirm the action plan in writing; and
- advise that if the employee fails to achieve the improvements in the review period a Stage 2 Sickness Absence Management meeting may be arranged.

Stage 1 review period

The manager will monitor the employee’s attendance during the review period.

During the review period the Headteacher/manager may require that any period of absence is covered by a medical certificate (Fit Note). If the Fit Note states ‘may be fit for work’, the process in **Return to work, Other considerations** will also be followed. If the suggested support cannot be reasonably accommodated in order to facilitate a return to work, a decision may be made to move to the next stage of the formal procedure.

At the end of the review period – the review meeting and outcomes

At the end of the review period, the manager will meet with the employee to review their absence and decide on the appropriate action. The employee may be accompanied by a union representative or a workplace colleague at the review meeting.

Stage 1 Sickness Absence Management – outcomes following the review period

Outcome following monitoring & review	Action
Attendance has reached the level required	Manager encourages the employee to sustain this. Employee is notified that a 12-month monitoring period (less the review period) will commence immediately. If the improvement proves to be only temporary a decision to proceed to Stage 2 of the formal process may be made.
Attendance has improved but did not reach an acceptable level due to exceptional circumstances	Manager extends the review and monitoring period. Further review meeting arranged.
Level of attendance has not reached the required level	Employee is notified that Stage 2 of the formal procedure will commence. If appropriate, a first formal warning may be issued.

In all cases notes of the meeting will be made and a copy given to the employee. Within five working days of the formal Stage 1 review meeting the manager will write to the employee to confirm the

outcome and advise them that they have the right to appeal the decision of the Stage 1 review meeting.

If the employee sustains the improved attendance consistently over the 12-month period, they will receive a further letter to acknowledge their continued efforts and confirm that any future attendance issues will be dealt with informally in the first instance.

Stage 2 Sickness Absence Management Meeting

Preparation for Stage 2 Sickness Absence Management Meeting

The manager invites the employee to attend a formal Stage 2 meeting, giving five working days' notice, in writing of:

- the reason for the meeting, outlining the concerns about their attendance
- a list of absences
- 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 plan and documents from Stage 1
- the employee's right to be accompanied by a workplace colleague or a union representative
- that a possible outcome from the meeting is a final written warning
- the employee's right to refer to any other documents and other parties if they wish
- the requirement, for the employee to provide two days prior to the meeting:
- the name of their representative (if applicable); and
- copies of any papers to be referred to and other parties to be called (if applicable).

The Stage 2 meeting

An HR Advisor may be present. During the meeting, and according to the particular circumstances, the

manager will:

- explain the purpose of the Stage 2 meeting
- discuss the reasons, including any underlying causes, for the absence(s)
- review the outcomes of the Stage 1 process, including any measures taken to support the employee so far, any reasonable adjustments, any work-related issues and any medical reports and advice received
- give the employee and/or their representative the opportunity to explain their situation and any mitigating circumstances
- try to establish the reasons, including any underlying causes, for poor attendance and seek agreement from the employee for a further referral to occupational health if this is required and/or appropriate
- discuss the likelihood of further absence (frequent, short term) or how long the absence is likely to last (long term absence)
- confirm, where appropriate, that the poor attendance is due to an ill-health issue
- if appropriate inform the employee that they may wish to consult their pension scheme provider
- with regard to ill health benefits and/or seek advice from their union if a member

- set out the standard(s) of attendance expected of the employee (below school trigger points)
- explain, where appropriate, how their attendance has been assessed as falling below these standards and the effect of this on service delivery/colleagues
- consider the employee's ability to return to/remain in their job, taking into account their health, the needs of the school and any adjustments that can reasonably be made
- consider possible redeployment possibilities, including whether any adjustments could reasonably be made to assist such redeployment
- where the employee is able to return from long term absence, agree a return to work programme/phased return to work
- inform the employee of possible actions if the level of absence does not improve
- discuss the way forward and determine an action plan that clearly identifies:
 - the improvements necessary to achieve the expected standards
 - the timescale for improvement
 - how attendance will be measured/monitored
 - whether or not regular informal review meetings may be appropriate
 - additional support/training to be provided; and
 - the review period, (normally one or two months and no more than three months).
 - If appropriate, issue a final written warning for unsatisfactory attendance.

Within five working days of the Stage 2 meeting the manager will write to the employee to:

- confirm the action plan in writing; and
- advise that if the employee fails to achieve the improvements in the review period a Stage 3 Sickness Absence Management Hearing may be arranged where dismissal for lack of capability due to ill health may be considered.

Stage 2 review period

The manager will monitor the employee's attendance during the review period. For short-term absence

it may have been agreed that regular, informal meetings with the employee are appropriate to ensure:

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

If so, notes from the monitoring period will be kept by the manager and a copy provided to the employee. The notes may be referred to at Stage 3 of the procedure.

At the end of the review period – the review meeting and outcomes.

At the end of the review period, the manager will meet with the employee to review their absence and decide on the appropriate action. The employee may be accompanied by a union representative or a workplace colleague at the review meeting.

Stage 2 Sickness Absence management - outcomes following the review period

Outcome following monitoring & review	Action
Attendance has reached the level required	Manager encourages employee to sustain this. Employee is notified that a 12-month monitoring period (less the review period) will commence immediately. If the improvement proves to be only temporary, a decision to proceed to Stage 3 may be taken.
A return to work is imminent or likely within a reasonable period (long-term absence)	Manager sets a date for a further review meeting
Attendance has improved but did not reach an acceptable level due to exceptional circumstances	Manager extends the review and monitoring period. Further review meeting arranged.
Level of attendance has not reached the required level	Employee is notified that Stage 3 of the formal procedure will commence. If appropriate a final written warning may be issued

In all cases notes of the meeting will be made and a copy given to the employee.

Within five working days of the formal Stage 2 review meeting the manager will write to the employee to confirm the outcome and advise them that they have the right to appeal the decision of the Stage 2 review meeting.

If the employee sustains the improved attendance consistently over the 12-month period, they will receive a further letter to acknowledge their continued efforts and confirm that any future Attendance issues will be dealt with informally in the first instance.

Stage 3 Sickness Absence Management Hearing

If the employee is in a Pension Scheme, they will be given the option to explore eligibility for ill health retirement prior to convening a Stage 3 Meeting.

Preparation for Stage 3 Sickness Absence Management Hearing

The Headteacher invites the employee to attend a formal Stage 3 Sickness Absence Management Hearing, giving five working days' notice, in writing, of:

- the reason for the Stage 3 hearing, outlining the continuing concerns about the employee's
- 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
- copies of any documents to be referred to including:
 - documents from return to work interviews
 - documents from Stages 1 and 2 of the formal process
 - full list of absences
 - copies of occupational health/medical reports
 - the sickness absence management policy
- the employee's right to be accompanied by a workplace colleague or a union representative
- the employee's right to refer to any other documents and other parties if they wish

- the possible outcome of the hearing i.e. that it may result in dismissal on the grounds of lack of capability due to ill health the requirement, for the employee to provide two days prior to the meeting:
 - the name of their representative (if applicable); and
 - copies of any papers to be referred to and other parties to be called (if applicable).

Attendance at meetings is detailed in the section above of that name.

The Stage 3 Hearing

The Chair of the Stage 3 hearing must have the authority, or delegated authority, to dismiss. An HR Advisor must be in attendance in all instances.

The authority to dismiss employees in schools has been delegated to the Headteacher. For central team staff, the Education Executive Team (excluding the CEO) and headteachers, the authority to dismiss has been delegated to the CEO. For the CEO, the authority to dismiss rests with the Trustees.

In circumstances where the Headteacher has assumed the role of the appropriate manager at an earlier stage, an Education Director will assume the role of the Headteacher.

At the hearing the Chair will:

- explain the purpose of the Stage 3 Sickness Absence Management Hearing
- ask the manager to outline:
 - The ways in which the employee has been assessed as not meeting the expected work attendance standards due to ill-health; and
 - the process so far under the informal and formal Sickness Absence procedures; and
 - any opportunities for a return to work or temporary/permanent redeployment that have been identified and, where identified, the outcome of discussions with the employee
- review in detail, as appropriate:
 - standards of attendance expected
 - details of formal meetings, review meetings, records of home visits or other meetings plus any other information relating to the informal and formal action taken
 - monitoring of attendance against action plans
 - medical advice received from Occupational Health service or other medical specialists where appropriate; and
 - measures taken by management to support the employee, e.g. reasonable adjustments
- discuss with the employee and his/her representative any progress, improvement or deterioration in the employee's health
- discuss the likelihood of further absence (frequent, short term) or how long the absence is likely to last (long term absence)
- review the effect of the poor 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 representative every opportunity to answer the points made and to give an explanation or put forward any mitigating circumstances; and

- discuss any options regarding ill health retirement that may be available for members of a pension scheme.

Stage 3 decision

Following the discussions, the Chair will adjourn the meeting to consider the options available:

Stage 3 Sickness Absence Management Hearing outcomes

Outcome following monitoring & review

Action

- 1) Chair is satisfied that attendance has reached the level required, Manager encourages employee to sustain this. Employee is notified that a 12-month monitoring period will commence immediately. If the improvement proves to be only temporary, the process may immediately resume at Stage 3 of the procedure.
- 2) Chair is satisfied that a return to work is imminent or likely within a reasonable period (long term absence)

Set a date for a new Stage 3 hearing.

- 3) Chair is not satisfied that all available management action and/or reasonable adjustments have been taken
 - Consider further involvement of Occupational Health;
 - explore further support or adjustments; extend the review period.
 - Set a date for a further Stage 3 Absence Management Hearing.
 - Employee is notified that there is a possibility of dismissal should there not be any significant improvement.
- 4) Chair is satisfied that absence has not reached an acceptable level AND is attributable to short term absence AND all reasonable action has been taken to assist the employee sustain acceptable levels of attendance
 - Employee is dismissed due to lack of capability due to ill health, with notice.
- 5) Chair is satisfied that absence has not reached an acceptable level AND is due to long term sickness AND all reasonable action has been taken to assist the employee's return to work and/or sustain acceptable attendance levels
 - Employee is dismissed due to lack of capability due to ill health, with notice.

In all cases notes of the meeting will be made and a copy given to the employee.

Within five working days of the formal Stage 3 Absence Management Hearing the manager will write to the employee to confirm the outcome and advise them that they have the right to appeal the decision.

If the employee sustains the improved attendance consistently over the 12-month period, they will receive a further letter to acknowledge their continued efforts and confirm that any future attendance issues will be dealt with informally in the first instance.

If the employee is in a Pension Scheme, they will be given the option to explore eligibility for ill health retirement.

Dismissal

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Dismissal will be a last resort and only considered when all other options, including redeployment, have been explored.

Dismissal will only be considered for long term absence when there is no prospect of a return to work within a reasonable timeframe or where the employee is unlikely to achieve and sustain an acceptable level of attendance.

If the decision at the Stage 3 Sickness Absence Management Hearing is to dismiss, the Headteacher will verbally inform the employee and his/her representative that the employee is dismissed, with the required contractual or statutory notice, on the grounds of lack of capability due to ill-health.

The Headteacher will confirm in writing, to the employee within five working days:

- that the employee has been dismissed
- the grounds for dismissal and the reasons
- the required contractual or statutory notice due and the date the dismissal will be effective
- the employee's right of appeal to an Appeals Committee.

In some cases, it may not be appropriate for the employee to work during their notice period, but to remain at home on 'garden leave'. This will be agreed by the parties. Should the employee be unfit to work during their notice-period, a Fit Note must be provided covering the period up to the termination date. In all cases alternative work options will continue to be considered during the notice period.

Medical Suspension

Suspension should be rare and is not the default position: an individual should be suspended only if there is no reasonable alternative.

There may be exceptional circumstances when it is appropriate to medically suspend an employee.

Examples of exceptional circumstance are:

- where the GP considers the employee is fit to return to work without any adjustments, but we believe they are not and require clarification from Occupational Health, before allowing the employee to return to work
- where the GP has issued a Fit Note recommending a phased return or adjustments that cannot be reasonably accommodated, the employee will remain off sick for the period specified on the Fit Note
- where the Headteacher believes the employee is not fit to attend work but the employee refuses to go on sick leave, the Headteacher may medically suspend the employee until Occupational Health advice is received.

Alternatives to suspension

Before suspending an employee on medical grounds, we will use any available advice from the GP or Occupational Health to consider reasonable alternatives such as:

- temporary adjustments to the employee's substantive duties
- temporary redeployment to a suitable alternative role

In these circumstances it would usually be appropriate to undertake a risk assessment.

Decision making

A decision to suspend may only be taken by:

- Trustees; or
- CEO; or
- Headteacher.

If, after all other reasonable alternatives have been considered, it is decided that suspension is necessary, the decision must be recorded in writing. The record must include the justification of the decision, including risk assessments and evidence that reasonable alternatives to suspension and the views of the employee have been fully considered.

Notification

The manager will attempt, where reasonably practical, to inform the employee in a face-to-face meeting, followed up in writing within three working days. Reasonable effort will be taken to enable a union official to accompany the employee to the suspension meeting.

The notification will include the reason why suspension is considered necessary.

If the need to medically suspend the individual is urgent and it is not possible to convene a face to face meeting the Headteacher may telephone the employee to inform them of the medical suspension and follow up the discussion in writing within three working days.

Pay

The employee will be suspended on full contractual pay, without any impact on sick pay.

Review

Medical suspensions will be reviewed once Occupational Health have provided the required medical information.

Lifting suspension/return to work

If the medical information states that the employee is fit to return to work, the medical suspension will be lifted and the employee will return to work, with reasonable adjustments if appropriate.

If the medical information states that the employee is not fit to work, the absence management procedures will be followed.

TUPE

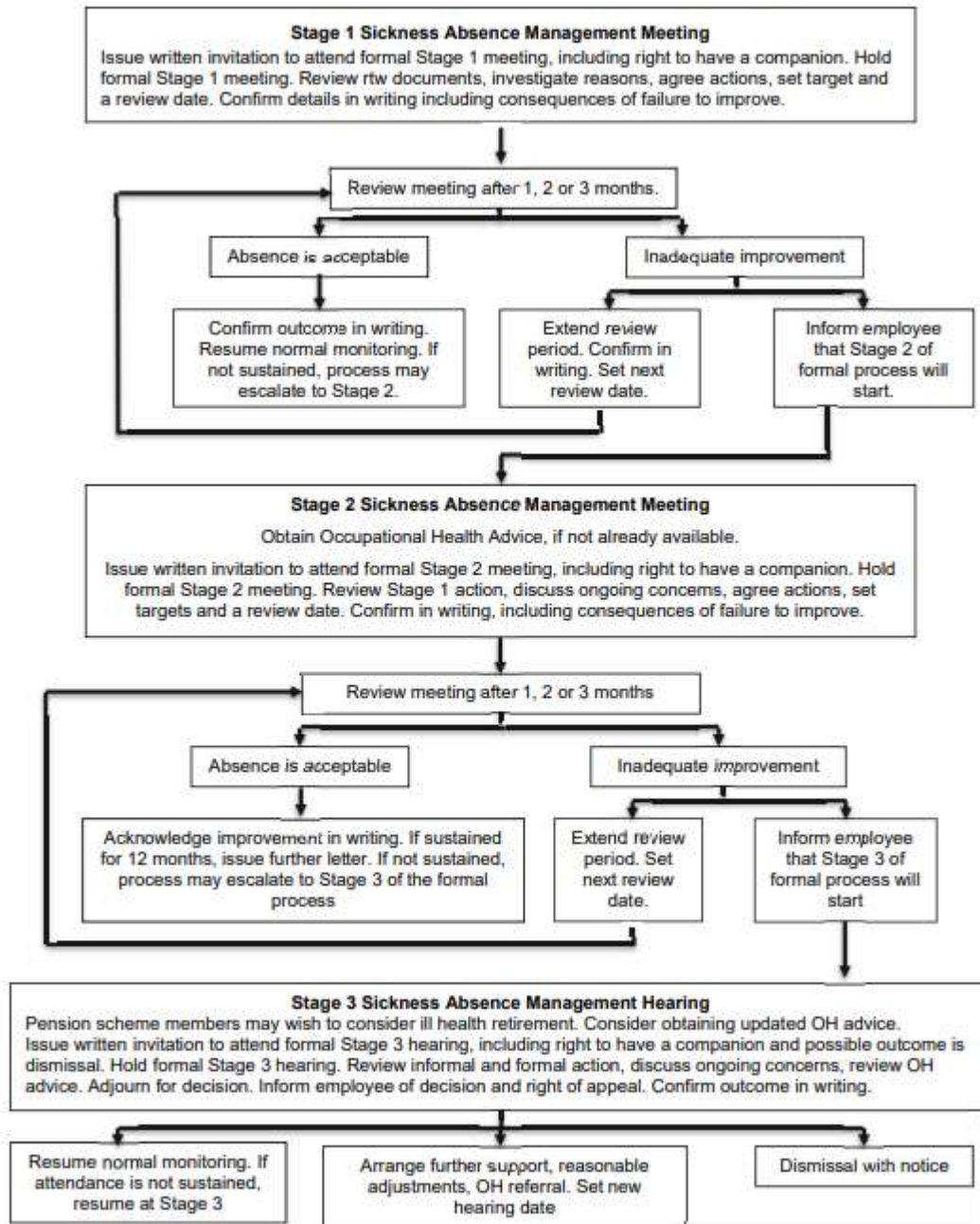
Some employees may have a contractual entitlement to sickness absence management procedures that transferred as a result of TUPE.

Appeals

If an employee feels that any action taken against them under the formal stages of this procedure is wrong or unjust they should refer to the appeals procedure in Appendix 3

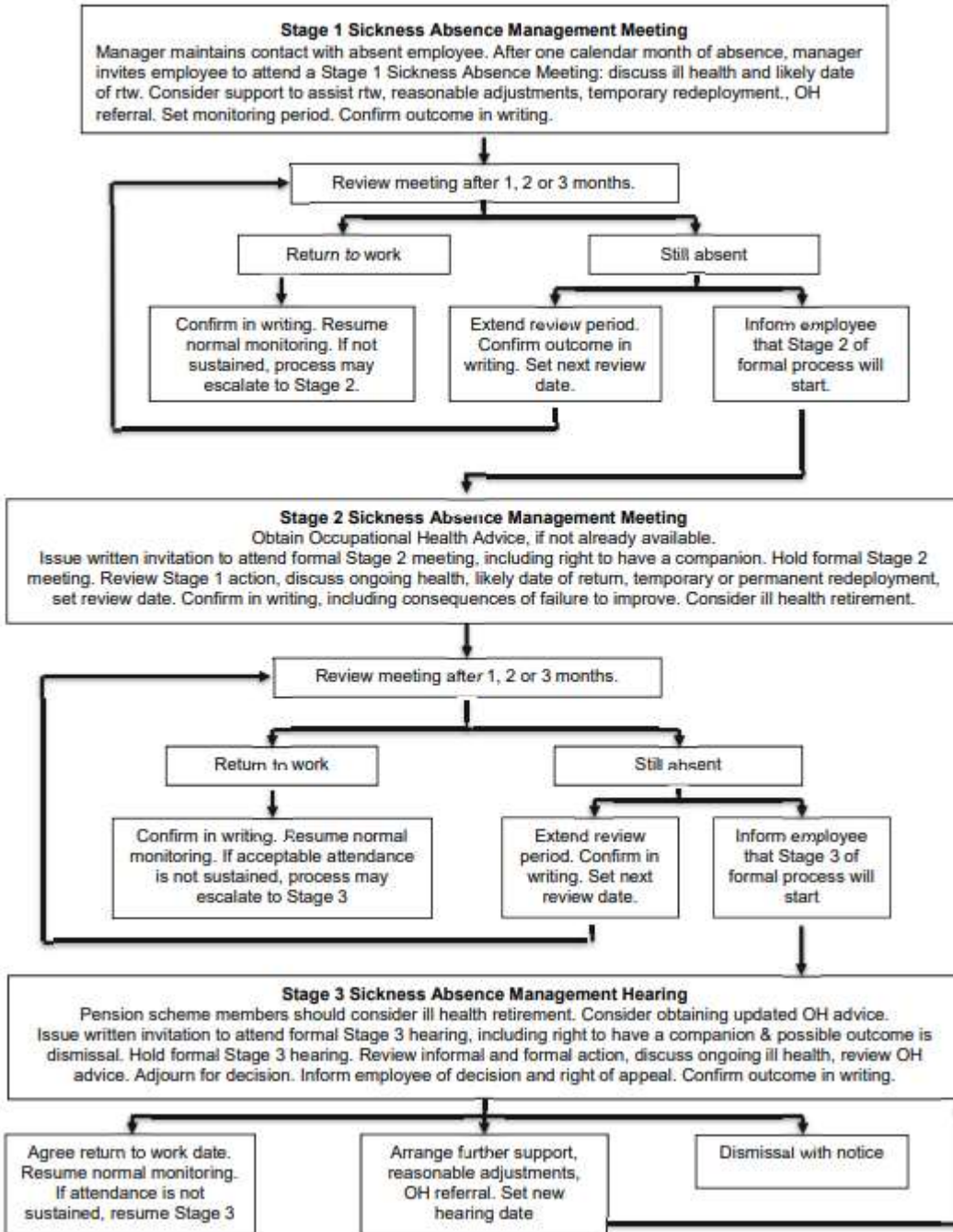
Appendix 1: Short-term absence procedure

Unacceptable attendance due to short term absence. Short term trigger points reached.



Appendix 2: Long term absence procedure

Unacceptable attendance due to long term absence. Long term trigger points reached.



Appendix 3: Appeals Procedure

If an employee feels that a decision to dismiss them, or other action taken against them under the formal stages of this policy, is wrong or unjust, they may follow a formal appeal process.

1. The appeal must be made in writing within 10 working days of notification of the decision, setting out at the same time the grounds for appeal.
2. To appeal an outcome at Stage 1, the letter should be sent to the manager as outlined in the section Headteacher and management responsibilities.
3. To appeal an outcome at Stage 2 or Stage 3, the letter should be sent to the CEO

Introductions

The Chair will introduce everyone and what their role is:

- Self as Chair
- Panel members
- Employee
- Employee's representative
- Witnesses for the employee
- The manager who conducted the formal Stage 1 absence management meeting, the review meeting
- or the Stage 2 Absence Management Hearing.
- Witnesses for the management case
- The clerk to the meeting
- HR Adviser to advise the panel

Order of the hearing

The Chair will explain that the appeal hearing shall not be a full rehearing of the case. The Chair will then explain the order of the hearing:

- Employee states their case
- Chair asks questions of the employee/employee representative
- Chair invites panel to ask questions of the employee/employee representative
- Manager states their case
- Chair asks questions of the manager
- Chair invites panel to ask questions of the manager
- Chair invites employee/employee representative to ask questions of the manager
- Chair sums up both sides
- Chair ends the hearing to deliberate

Employee case

- The employee or their representative explain why they believe the original decision was wrong or unjust. They introduce any witnesses to support their case. The Chair asks questions then invites questions from the panel.

The management case

- The manager explains the evidence that supports the original decision. They introduce any witnesses to support their case. The Chair asks questions then invites questions from the panel.

Summing up

The Chair sums up the key points from both sides.

End of hearing

The Chair ends the hearing and advises the employee that they will receive the panel's decision in writing within 10 working days of the hearing.

Decision making

HR Adviser advises the panel if required. Panel deliberate the evidence provided and make their decision. The clerk notes the main points of the discussion and the decision.

Communication of decision

The employee is notified of the decision in writing within 10 days of the appeal hearing. The Chair signs the letter, giving detailed reasons behind the decision. There is no further right of appeal against the decision/dismissal.

Appeals will be held without unreasonable delay (ideally within 10 working days of receipt of the written appeal) and, where possible, at an agreed time and place. The same arrangements for notification and right to be accompanied by a companion will apply as with formal absence management meetings or hearings.

for All Staff

Employee	
Line Manager	
Issued date	
To be returned by	

MANAGER'S GUIDANCE SHEET

STRUCTURE OF RETURN TO WORK INTERVIEWS

It may be useful to use the WARM (**W**elcome **A**bsence **R**esponsibility **M**ove on) mnemonic as a guide to conducting discussions to make sure that all points are covered.

Welcome – helping the employee to feel good about returning to work

- create a non-threatening and supportive atmosphere
- welcome the employee back and tell them they have been missed
- if appropriate, check they are fit to return to work

Absence – helping the employee to openly discuss issues relating to their absence

- explore reasons for the absence, what caused it and whether there are any issues relating to their role
- if the absence relates to the employees private life, avoid counselling them or advising them – other than establishing if work is making things worse
- ask questions in an understanding way and listen courteously
- discuss any previous absences and whether there are any underlying medical issues
- be sensitive to personal problems and illnesses and be prepared to refer the employee to any relevant available support
- show that you are listening, be constructive, avoid confrontation but do ask questions to get to the bottom of things – find out if underlying problems exist
- offer solutions where these are within your power

Responsibility – helping the employee take responsibility for overcoming issues causing absence:

- this part of the meeting is most relevant to cases where absence is likely to re-occur and, therefore, may not be relevant to instances of one off absences
- ensure the employee understand it is their obligation to come to work
- ensure the employee understands it is their responsibility for solving problems that are resulting in them being absent from work
- ask the employee to take ownership and accept responsibility for taking the action necessary to improve their attendance

- do not ask for a guarantee from the employee to be at work every day, but do ask that they do everything they can to fulfil their responsibility to come to work

Move on – helping the employee leave the meeting on a positive note – this is vital

- express confidence in the employee’s ability to attend work in the future
- brief the employee on events that have occurred during their absence
- discuss work priorities for their return
- thank them for meeting with you

**RETURN TO WORK INTERVIEW
MANAGER CHECKLIST**

Name		Line Manager	
First day of absence:		Last day of absence:	
			Total number of days:
Brief description of absence (are there any underlying issues?):			
Is the reason for absence covered by the Disability Discrimination Act?			Yes or No

Other absence(s) in the last 12 months

Note of any information which the employee will have missed whilst they have been off?

Has the employee visited their GP and followed the advice given?	Yes or No
Does the absence relate to an accident or violent incident at work?	Yes or No
Is the absence pregnancy related?	Yes or No
Further action required?	Yes or No

(delete Yes or No as appropriate)

Actions to be taken

Follow up meeting arranged?	Yes or No
Is there a need to enter a formal process of monitoring sickness with formal return to work interviews?	Yes or No
Refer to SLT	Yes or No
Has the employee been advised of the consequences of unacceptable levels of absence?	Yes or No

(delete Yes or No as appropriate)

Manager signature
Employee signature
Date of completion
Return completed form to HRenquiries within 6 working days from the date the member of staff returned to work.
HR Manager signature:

Strictly Private & Confidential

Name

By email

DATE

Dear Name

Re: Notification of Informal Absence Review Meeting

Following your recent/ongoing sickness absence from work since the???, you have now had one of the following short term absence triggers or long term trigger in accordance with the Scholars Managing Absence Policy:

Short term absences amend accordingly

- 4 instances of sickness within a rolling 12 month period add in dates
- 10 calendar days of absence or more within a rolling 12 month period add in dates
- Any other pattern – add in details

Long term absence amend accordingly

- 4 weeks or more add in dates

I would therefore like to meet with you for an informal absence review meeting. The purpose of this meeting is to review your absences, explore whether there are any underlying causes and discuss how the Academy can support you in maintaining your future attendance.

The details of the meeting are as follows:

Date:

Time:

Location:

Please note that although this is not a formal meeting you may be accompanied by a recognised trade union or work colleague at the meeting if you so wish. It is your responsibility to make the necessary arrangements.

The purpose of the meeting is to:

- Go through and confirm your recorded absences.
- Identify any underlying reasons for the absences.
- To agree any support that may be needed / required. This may include a referral to Occupational Health.
- Where required agree an action plan to support improved attendance.

For your information, I enclose a copy of the Scholars Managing Absence Policy

26 This Policy applies to all at Scholars Academy Trust

If you have any queries regarding this letter, please do not hesitate to contact me on the above number otherwise I look forward to meeting with you shortly. Please confirm your attendance as soon as possible.

Yours sincerely

NAME

JOB TITLE