

[Academy Name]

Management of Sickness Absence

In the development of this policy consideration has been given to the impact on protected characteristics under the Equality Act 2010 and the work life balance of employees.

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Approved By:	St. Benet's MAT Board
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Review Date:	Chief Executive Officer
Person Responsible:	

Roles and Accountabilities

The Diocese of Norwich St. Benet's Multi Academy Trust is accountable for all policies across its Academies. All policies, whether relating to an individual academy or the whole Trust, will be written and implemented in line with our ethos and values as articulated in our prospectus. We are committed to the provision of high quality education in the context of the Christian values of responsibility, respect and dignity where individuals are valued, aspirations are high, hope is nurtured and talents released.

A Scheme of Delegation for each academy sets out the responsibilities of the Local Governing Body and Principal / Head Teacher. The Principal / Head Teacher of each academy is responsible for the implementation of all policies of the Academy Trust.

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

1. Introduction

- 1.1 The Trust and Local Governing Body recognise their responsibility for the health, safety and welfare of their staff. This Sickness Absence Policy sets out our procedures for reporting sickness absence and for the management of sickness absence in a fair and consistent way. This policy places emphasis on proactive support for staff in the event of ill health difficulties.
- 1.2 This policy does not form part of any employee's contract of employment and it may be amended at any time following appropriate consultation.
- 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).

2 Personnel Responsible for this Policy

- 2.1 It is the responsibility of management to monitor and control absence and to respond effectively to actual and potential problems. The Academy has standards for attendance of staff as it does for pupils. It is the responsibility of the Headteacher and all levels of management to ensure these standards are achieved and to raise awareness of the effect of sickness absence levels on the quality and continuity of teaching and learning and other aspects of the effectiveness of the work of the Academy. 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 staff absence.
- 2.2 The Headteacher is responsible for monitoring the implementation of the procedure across the academy, to ensure that the procedure is communicated to employees and that it is applied consistently. Levels of sickness absence will be monitored and will record the average number of working days lost due to sickness per full time equivalent employee and identify areas where the work of the academy, in particular the continuity of teaching and learning, is being affected by absence levels. This will include a break down of total absence into long term and short-term absence (normally more than 20 days) and reasons for absence. The information will be reported to Trustees and governors on an anonymised basis. The procedure sets out the steps which the Headteacher and line managers will normally follow when staff sickness absence occurs.

3 Employees' Responsibilities

- 3.1 Follow the Notification of Sickness Absence procedures:
- 3.1.1 If you are prevented by illness from reporting for duty you shall on the FIRST DAY OF ABSENCE personally notify [insert position] as soon as possible by telephone call (ideally not a voicemail message) and later confirm in writing (usually an email or text) as soon as is reasonably practicable, giving the reason for the absence and how long you expect to be absent from work.
- 3.1.2 You must complete a self-certification form detailing the reason for absence for any period of sickness absence up to seven days. The self-certification form must be completed immediately on return to duty.
- 3.1.3 A medical certificate (Fit Note) must be provided from the EIGHTH day of absence (including Saturdays and Sundays and closure periods).
- 3.1.4 You must continue to submit medical certificates (Fit Notes) during Academy closure periods. In the event that you become fit during a Academy closure period then paragraph 3.1.4 applies.
- 3.1.5 Where the Headteacher requires a medical certificate (Fit Note) from you this will be confirmed in writing including a commitment to reimburse you on provision of a receipt, if a charge is made for the statement.
- 3.2 You shall, if requested at any time, attend a medical examination by a registered medical practitioner nominated by the Academy, subject to the provisions of the Access to Medical Reports Act 1988, where applicable. The line manager will have discussed the reasons for this referral with you. In such circumstances you will be asked by the Occupational Health provider to complete a consent form. This will cover consent to undergo an OH assessment and potentially access to further information from your General Practitioner or specialist. You will also be asked your wishes regarding the release of the subsequent OH management advice note.
- 3.3 Ensure medical advice and treatment is obtained and adhered to in order to facilitate a return to work as soon as possible.

4 Illness or Injury Arising from Work

- 4.1 Any illness or injury arising out of or in the course of employment with the Academy must be reported and recorded in accordance with the procedures laid down by the Academy, for example in the Academy's Health and Safety Policy. The accident will be subject to investigation and report by an employee authorised for the purpose by the Academy;
- 4.2 Where you seek medical advice about an illness or injury which is suspected or alleged to result from the nature of your employment you must report relevant information to the Headteacher or Senior Manager at the first opportunity;
- 4.3 In the case of the first, and any subsequent absence, due to industrial disease or accident you shall be requested, at any time during such absence, to attend a medical examination by a registered medical practitioner nominated by the Academy.

5 Unauthorised Absence

- 5.1 Cases of unauthorised absence will be dealt with under our Disciplinary procedure.
- 5.2 Absence that has not been notified according to the sickness absence reporting procedure will be treated as unauthorised absence.
- 5.3 If you do not report for work and have not explained the reason for absence then [insert position] will try to contact the employee, by telephone, text or email. This must not be treated as a substitute for reporting sickness absence.

6 Return to Work [Interviews OR Discussions]

- 6.1 After any period of absence the line manager should conduct an appropriate Return to Work discussion. Guidance on conducting this discussion can be found at Appendix E along with the related form.
- 6.2 A return to work interview enables us to confirm the details of your absence. It also gives you the opportunity to raise any concerns or questions you may have, and to bring any relevant matters to our attention.
- 6.3 Consideration will be given as to whether a risk assessment is required to ensure your health and safety in light of the reason for your ill health, for example a stress, ergonomic or more general risk assessment may be required.
- 6.4 Where your doctor has provided a certificate stating that you “may be fit for work” we will usually hold a return-to-work interview to discuss any additional measures that may be needed to facilitate your return to work, taking account of your doctors advice.

7 Returning to work following a long-term sickness absence

- 7.1 We are committed to helping employees return to work from long-term sickness absence. As part of our sickness absence meetings procedure (see para 14.2), we will, where appropriate and possible, support return to work by:
 - 7.1.1 Obtaining medical advice
 - 7.1.2 Making reasonable adjustments to the workplace, working practices and working hours;
 - 7.1.3 Considering redeployment; and/or
 - 7.1.4 Agreeing a return-to-work programme with everyone affected.
- 7.2 If you are unable to return to work in the longer term, we will consider whether you are entitled to any benefits under your contract and/or any insurance schemes we operate.
- 7.3 If you return to work on a part time basis following long term sickness absence, on medical advice provided by the Occupational Health doctor there is an expectation that you will be able to work your full contractual hours within a reasonable period of time, not likely to exceed six weeks. In this situation you will return on full pay. Should this period of time be exceeded there may be a temporary reduction in pay as follows:
 - 7.3.1 Where you have exhausted sick pay, the salary payment made will be based on the number of hours worked.
 - 7.3.2 Where you have not exhausted sick pay, you will be paid in accordance with the number of hours worked, or the occupational sick pay entitlement that would be payable if you remained sick, whichever is the greater amount.

8 Trade Union Representatives

- 8.1 Trade union representatives are subject to the same standards of attendance as other employees. However, to ensure that they 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.

9 Probationary Periods for Support Staff

- 9.1 All new staff employees are subject to a probationary period. Sickness absence issues that arise during a support staff employee's probationary period will be taken into account in determining whether or not the probationary period is completed satisfactorily and this procedure will not apply.

10 Disabilities

- 10.1 We are aware that sickness absence may result from a disability. At each stage of the sickness absence meetings procedure (set out in 14.2 of this policy), particular consideration will be given to whether there are reasonable adjustments that could be made to the requirements of a job or other aspects of working arrangements that will provide support at work and/or assist a return to work.
- 10.2 If you consider that you are affected by a disability or any medical condition which affects your ability to undertake their work, you should inform [POSITION].

11 Sick Pay

- 11.1 You may be entitled to Statutory Sick Pay (SSP) if you satisfy the relevant statutory requirements. Qualifying days for SSP are Monday to Friday, or as set out in your employment contract. The rate of SSP is set by the government in April each year. No SSP is payable for the first three consecutive days of absence. It starts on the fourth day of absence and may be payable for up to 28 weeks. If you are not eligible for SSP or if your SSP entitlement is coming to an end we will give you a form SSP1 telling you the reasons.
- 11.2 After you have completed your probationary period you will be entitled to receive your full salary and contractual benefits during any periods of sickness absence as defined in your Terms and Conditions of Service. Those payments shall be inclusive of any SSP due.
- 11.3 If a period of sickness absence is or appears to be occasioned by actionable negligence, nuisance or breach of any statutory duty on the part of a third party, in respect of which damages are or may be recoverable, you must immediately notify [POSITION] of that fact and of any claim, compromise, settlement or judgment made or awarded in connection with it and all relevant particulars that we may reasonably require. If we require you to do so, they must co-operate in any related legal proceedings and refund to us that part of any damages or compensation they recover that relates to lost earnings for the period of sickness absence as we may reasonably determine, less any costs they have incurred in connection with the recovery of such damages or compensation, provided that the amount to be refunded to us shall not exceed the total amount we paid to you in respect of the period of sickness absence.

11.4 Any employer and employee pension contributions will continue subject to the relevant scheme rules during any period of company sick pay or SSP.

12 Right to be accompanied at meetings

12.1 You may bring a companion to any formal meeting or appeal meeting under this policy.

12.2 Your companion may be either a trade union representative or a colleague. Their details must be given to the manager conducting the meeting, in good time before it takes place.

12.3 Employees are allowed reasonable time off from duties without loss of pay to act as a companion. However, they are not obliged to act as a companion and may decline a request if they so wish.

12.4 We may at our discretion permit other companions (for example, a family member) where this will help overcome particular difficulties caused by a disability, or other difficulty.

12.5 A companion may make representations, ask questions, and sum up your position, but will not be allowed to answer questions on your behalf. You may confer privately with your companion at any time during the meeting.

13 Attendance at Meetings

13.1 Throughout this procedure, if you indicate that they are too unwell to attend a formal or informal meeting you will be given the option to:

13.1.1 Meet in a neutral venue or at their home; or

13.1.2 Attend via telephone conference; or

13.1.3 Send a trade union representative or work colleague to represent you providing appropriate written consent; or

13.1.4 Provide a written submission; or

13.1.5 Request that the meeting takes place in your absence.

13.2 If you fail to communicate your wishes with regard to clause 13.1, the meeting may take place in your absence with the outcome communicated to you in writing. Meetings will not be postponed beyond 5 days unless there is medical evidence that you are not medically fit to take part by any of the means described above.

13.3 Visits to home would only take place in exceptional circumstances and only by your invitation.

13.4 Any senior manager visiting your home will be accompanied by another manager; you will be entitled to be accompanied by a work place colleague or Trade Union representative of your choice at a home meeting.

14 Informal Procedure

14.1 Return to Work Discussion

14.1.1 When you return to work following a period of sickness absence, your line manager will normally meet with you. The main aims of the return to work meeting are to:

14.1.1.1 Welcome you back to work;

14.1.1.2 Enquire after your health and explore whether you need any further support;

- 14.1.1.3 Explain what is regarded as an acceptable level of sickness and remind you of your responsibility to manage your own sickness
 - 14.1.1.4 Update you on any work developments whilst you were away and discuss the arrangements for your return, including any GP comments on your Fit Note.
- 14.1.2 The purpose of this meeting is to verify the reason for the absence and, where appropriate, offer assistance and support. Where appropriate, it is also an opportunity to identify any difficulties that you are experiencing in carrying out the duties of the post. The return to work discussion should be held as soon as possible after any period of sickness absence. It will be private and confidential. The manager needs to maintain a balance between concern for your welfare, without being too intrusive into your personal circumstances, and for the need for you to be at work. A note of the meeting will only be made if there are action points arising from it. In that case you will be provided with a copy.
- 14.2 Sickness absence interviews
- 14.2.1 Sickness absence interviews will be arranged with you whenever it is considered necessary and/or when your absence record falls into the following categories:
- 14.2.1.1 20 days or more long-term absence;
 - 14.2.1.2 10 working days within 12 months;
 - 14.2.1.3 3 occasions of absence within 3 months;
 - 14.2.1.4 Unacceptable patterns of absence; or
 - 14.2.1.5 Where work related stress or the possibility of some condition which may impinge on your performance in carrying out their duties or their well-being seems evident
- 14.2.2 The St. Benet's Trust Board receives regular reports on sickness absence and will share trends with managers and Trade Union representatives.
- 14.2.3 In preparation for the sickness absence meeting the Manager will:
- 14.2.3.1 Consider the academy's statistical data on levels and types of sickness absence for all staff to ensure consistency.
 - 14.2.3.2 Confirm that the "trigger" point has been reached or that the record shows a pattern of absence or some other factual data which identifies the cause for concern
 - 14.2.3.3 Consider the job description and the impact of the absences on the work of the academy and on the work group
 - 14.2.3.4 Consider any evidence of possible causes of lack of well being or stress
 - 14.2.3.5 Consider, and if necessary prepare for options as described in Appendix A
 - 14.2.3.6 Ensure you have been provided with a copy of this Sickness Absence Policy and the process has been explained.
- 14.2.4 Your line manager will use the Sickness Absence Interview Proforma at Appendix A as the agenda for the meeting and give you a completed signed copy after the meeting. Whilst there is no entitlement for you to be accompanied at an informal Sickness Absence Interview, it may be helpful to both parties. You may request this in advance of the meeting. A note taker may be present but that will not normally be necessary.
- 14.3 Monitoring Period Following Sickness Absence Interview
- 14.3.1 After conducting a sickness absence interview your line manager will review or monitor your attendance for a further period, normally this will be for a period of one month and no longer than three months. Further interviews may take place during the monitoring period if there is more sickness absence.

14.3.2 Your line manager will assess your absence record and its effects on the work of the academy, and attempt to establish reasons for the absences; identify underlying trends and seek to offer any assistance to you (e.g. Occupational Health Services), with a view to supporting you and improving your attendance record.

14.3.3 During the monitoring period the Headteacher/line manager may require that any period of absence is covered by a medical certificate (Fit Note). If you have 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 your return to work, a decision may be made to move to the formal part of the procedure.

14.4 Where your line manager is of the view that your attendance has not improved to acceptable standards after the review period, the line manager should either inform you that the issue will:

14.4.1 be referred to Stage 1 of the formal procedure. A letter requiring attendance at a Stage 1 meeting will be sent to you; or

14.4.2 If there are exceptional circumstances, extend the review period.

15 Formal Procedure

15.1 Stages in the Process

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

15.1.2 Before starting the formal procedure, managers will satisfy themselves that sufficient reasonable action has been taken under the informal procedure to:

15.1.2.1 seek medical advice from occupational health;

15.1.2.2 consider whether you have a disability under the Equality Act;

15.1.2.3 consider any support, training and adjustments that have been requested or implemented and the outcome of these actions;

15.1.2.4 whether there are any other work-related issues.

15.1.2.5 ensure that you have been consulted throughout the informal process;

15.1.2.6 consider all of the circumstances and available information.

16 Preparation for Stage 1 Formal Meeting

16.1 A Senior Manager will arrange a formal meeting with you, giving at least 10 working days' notice, in writing, of:

16.1.1 the reason for the meeting, outlining the concerns about your attendance ;

16.1.2 the time, date and location of the meeting;

16.1.3 who will be conducting the meeting and who else will be present;

16.1.4 copies of any documents to be referred to including any previous action plan;

16.1.5 your right to be accompanied and/or represented and to refer to any documents if you wish; and

16.1.6 the requirement, for you to provide 2 days prior to the meeting:

- 16.1.6.1 the name of your representative (if applicable); and
- 16.1.6.2 copies of any papers to be referred to and witnesses to be called (if applicable).

17 Stage 1 Meeting

17.1 At the stage 1 meeting the Senior Manager will (normally with advice from the Trust's HR provider):

- 17.1.1 explain the purpose of the Stage 1 meeting;
- 17.1.2 set out the standard(s) of attendance expected of you;
- 17.1.3 explain how your attendance has been assessed as falling below these standards and the effect of this on service delivery/colleagues;
- 17.1.4 review the results of the informal procedure, including any measures taken to support you so far, any work-related issues and any medical reports and advice received;
- 17.1.5 give you and/or your representative the opportunity to explain any mitigating circumstances;
- 17.1.6 try to establish the reasons, including any underlying causes, for poor attendance, and seek agreement from you for a further referral to Occupational Health if this is required;
- 17.1.7 confirm, where appropriate, that the poor attendance is due to an ill-health issue;
- 17.1.8 if appropriate inform you that you may wish to consult your pension scheme provider with regard to ill health benefits.
- 17.1.9 discuss the way forward and determine an action plan that clearly identifies:

- 17.1.10 the improvements necessary to achieve the expected standards;

- 17.1.11 the timescale for improvement;

- 17.1.11.1 how attendance will be measured/monitored; additional support/training to be provided; and

- 17.1.11.2 the review period, (normally one month and no more than three months).

17.2 Within 5 working days of the formal stage 1 meeting the Senior Manager will write to you to:

- 17.2.1 confirm the action plan in writing; and
- 17.2.2 advise you that if you fail to achieve the improvements in the review period a Stage 2 meeting will be arranged where dismissal for lack of capability due to ill-health will be considered;
- 17.2.3 confirm your right to ask that another Senior Manager or Governor(s) review(s) the decision at an appeal meeting.

17.3 Stage 1 Review Period

17.3.1 The Senior Manager will ensure that during the review period your attendance is closely and objectively monitored. Normally, weekly supervision meetings will be held between you and the Senior Manager to ensure:

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

17.4 Notes of the monitoring process will be kept by the Senior Manager and a copy provided to you. The notes may be referred to at Stage 2 of the procedure.

18 Review Period Evaluation

18.1 If, at the end of the review period, your performance has improved to acceptable standards, no further action will be taken under this procedure, unless standards are not sustained during the next 12 months.

- 18.2 The decision to take no further action will be confirmed by the Senior Manager in writing, within 5 working days. 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 issues the Sickness Absence procedure may be invoked at Stage 2. A copy of this letter will be kept on your personnel file.
- 18.3 If you sustain the improved performance consistently over the 12 month period, you will receive a further letter to acknowledge your continued efforts and confirm that any future attendance issues will be dealt with informally in the first instance.
- 18.4 If at the end of the review period, your attendance has not improved to acceptable standards then:
 - 18.4.1 the issue will be referred to the Headteacher under Stage 2 of the procedure; or
 - 18.4.2 in exceptional circumstances the review period will be extended.
- 18.5 If you are in a Pension Scheme, you will be given the option to explore eligibility for an ill health pension award prior to convening a Stage 2 Meeting.

19 Preparation for a Stage 2 Meeting

- 19.1 The Senior Manager will hold a formal meeting with you giving at least 10 working days' notice, in writing, of:
 - 19.1.1 the reason for the meeting, outlining the outstanding concerns about your work attendance due to ill-health;
 - 19.1.2 the time, date and location of the meeting;
 - 19.1.3 who will be conducting the meeting and who else will be present;
 - 19.1.4 any documents to be referred to in the discussions, including, as appropriate, previous action plans, notes of the monitoring process, copies of reports received from Occupational Health;
 - 19.1.5 Your right to be accompanied and/or represented and to refer to any documents you wish, copies of which should be sent to the Senior Manager 3 days in advance of the meeting; and
 - 19.1.6 the possible consequences of the meeting, i.e. that it may result in your dismissal on the grounds of lack of capability due to ill-health.

20 Stage 2 Meeting

- 20.1 At the meeting the Headteacher will (with advice from the Trust's HR provider):
 - 20.1.1 explain the purpose of the Stage 2 meeting;
 - 20.1.2 ask the Senior Manager to outline:
 - 20.1.2.1 the ways in which you have been assessed as not meeting the expected work attendance standards due to ill-health; and
 - 20.1.2.2 the process so far under the Absence & Attendance procedure;
 - 20.1.2.2.1 the ways in which you have been assessed as not meeting the expected work attendance standards due to ill-health; and
 - 20.1.2.2.2 the process so far under the Absence & Attendance procedure;
 - 20.1.2.3 review in detail, as appropriate standards of attendance/performance expected;
 - 20.1.2.4 details of Sickness Absence Interview meetings;
 - 20.1.2.5 records of home visits or other meetings plus any other information relating to the informal action taken;
 - 20.1.2.5.1 monitoring of attendance against action plans;
 - 20.1.2.5.2 medical advice received from Occupational Health; and
 - 20.1.2.5.3 measures taken by management to support you, e.g. reasonable adjustments;
 - 20.1.2.6 discuss with you and your representative whether, you have been assessed as achieving the required improvements in attendance;
 - 20.1.2.7 review the effect of the poor attendance on teaching and learning, service delivery and work colleagues;

- 20.1.2.8 explore, as appropriate, the potential for to employee to achieve a sustained improvement in attendance;
 - 20.1.2.9 give you and/or your representative every opportunity to answer the points made and to give an explanation or put forward any mitigating circumstances; and
 - 20.1.2.10 discuss any options regarding your pension that may be available.
- 20.2 In circumstances where the Headteacher has assumed the role of Senior Manager or does not have delegated power of dismissal, a committee of Governors will assume the role of the Headteacher as set out above.

21 Stage 2 Decision

- 21.1 Following the discussions, the Headteacher will adjourn the meeting to consider the options available:
- 21.1.1 to take no further action under the procedure; or
 - 21.1.2 to set a further/final review period to allow for additional monitoring and/or additional management support. A further formal Stage 2 meeting will be held at the end of this review period. If attendance is not satisfactory by that time then you will be dismissed for lack of capability due to ill-health; or
 - 21.1.3 to dismiss you for lack of capability due to ill-health ensuring that alternative work options have already been explored or will be explored during your notice period, that there is no prospect of their return within a reasonable timeframe, or that they will be able to achieve or sustain their attendance.

22 Stage 3 Dismissal

- 22.1 If the decision at the Stage 2 meeting is to dismiss, the Headteacher will inform you and you're your representative, orally, that you have been dismissed, with the required contractual or statutory notice, on the grounds of lack of capability due to ill-health.
- 22.2 The Headteacher will confirm in writing, to you within 5 working days:
- 22.2.1 that you have been dismissed;
 - 22.2.2 the grounds for dismissal and the reasons;
 - 22.2.3 the required contractual or statutory notice due and the date the dismissal will be effective;
 - 22.2.4 your right of appeal to an Appeals Committee of the Governing Body against the dismissal.
- 22.3 In some cases it may be appropriate for you not to work your notice, but to remain at home on paid leave. A medical certificate (Fit Note) must be provided that covers your notice period.

23 Appeals against Dismissal

- 23.1 An employee has the right to appeal against a dismissal decision. Any appeal must be submitted in writing 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 Appeals Committee of the Local Governing Body. The purpose of an appeal hearing is to review the decision made to dismiss you and to decide if this decision was reasonable in all the circumstances. The appeal hearing will be held as soon as practicable, and you will have the right to representation at the hearing by a trade union representative or work colleague.

- 23.2 You will be provided with written details of any new information which comes to light before an appeal meeting. You will also be given a reasonable opportunity to consider this information before the meeting.
- 23.3 The Appeals Committee of the Local Governing Body has the authority to:
- 23.3.1 uphold the appeal (i.e. to reinstate the employee); and/or
 - 23.3.2 issue a lesser level of management action, such as:
 - 23.3.2.1 drop the formal process;
 - 23.3.2.2 refer to a lower stage in the formal process; and/or
 - 23.3.2.3 reduce standards of attendance or targets set in the action plan;
 - 23.3.3 dismiss the appeal, i.e. the decision to dismiss remains in force.
- 23.4 You will be provided with written details of any new information which comes to light before an appeal meeting. You will also be given a reasonable opportunity to consider this information before the meeting.
- 23.5 The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity or pay.

Appendix A Strictly Confidential Sickness Absence Interview Record

This is the management record of a meeting held under paragraph 11.2 of the Sickness Absence Policy and Procedure. It is strictly confidential. It will be held on the employee's personnel file until such time as the employee's attendance is wholly satisfactory and for 12 months thereafter. At that time it will be securely destroyed. The record may be accessed and referred to by those with authority to manage the informal and formal stages of the Sickness Absence Policy and Procedure. A Sickness Absence Interview is not part of the formal procedure and there is no entitlement for the employee to be accompanied or represented. The meeting will be held in private.

Employee:	Date of Meeting:
Length of service:	
Interviewing Manager:	

Details of Sickness Absence

Dates and days of Absence	Number of Days Absent	Reason(s) for Absence

Is absence related to a disability under the Equality Act?
 No Yes *if yes – details of medical evidence must be attached.*

Details of Meeting

Key points discussed
Reasons for absence
The objective is that attendance will be 100%. Is there anything the employer can do to improve attendance, e.g. OH referral, counselling, a review of risk assessment, temporary adjustments, training?
Are you fully recovered and able to resume full duties? Yes No If your view is "no" then action plan must consider Referral to OH Temporary adjustments

Employees should also be asked as to whether they are doing all they can to improve attendance e.g. act on medical advice, lifestyle choices, attention to work life balance, non-medical support such as counselling.

Appendix B Model Letter: Notification of Stage 1 Sickness Absence Meeting

Dear

Notification of Stage 1 Sickness Absence Meeting

I refer to your recent period of sickness absence and the Sickness Absence Interview meeting(s) on (date[s]) conducted by (name).

Your further sickness absence during the informal monitoring period means that the matter will now be considered at a formal meeting under Stage 1 of Sickness Absence Policy and Procedure. I would like to stress that this is neither a disciplinary matter nor an attempt to determine whether your absence is legitimate. The main purpose of this meeting is to discuss options to improve your future attendance positively and constructively and will cover the following:

- the standard of attendance expected of you;
- explain how your attendance has been assessed as falling below these standards and the effect of this on (teaching and learning)(service delivery) (colleagues);
- review the results of the informal procedure, including any measures taken to support you so far and any work related issues;
- give you and/or your representative the opportunity to explain any mitigating circumstances;
- try to establish the reasons, including any underlying causes, for poor attendance , and seek agreement from you for a (further) referral to Occupational Health if this is required;
- confirm, where appropriate, that the poor attendance is due to an illhealth issue;
- discuss the way forward and agree an action plan that clearly identifies:
 - o the improvements necessary to achieve the expected standards;
 - o the timescale for improvement;
 - o how attendance will be measured/monitored;
 - o additional support/training to be provided;
 - o temporary or permanent work adjustments
 - o the review period, (normally one month and no more than three months);

(I give below) (I enclose) details of your sickness absence from to

First working day of sickness absence	Last working day of sickness absence	Number of working days lost	Reason(s) for sickness absence
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The Stage 1 Absence Review Meeting will take place on (date) at (time) in (Location) and will be chaired by me. You are entitled to be accompanied at the meeting by a work colleague or trade union representative. It is your responsibility to arrange for a representative to accompany you to the meeting.

If, for any reason, you or your representative are unable to attend the meeting, please let me know as soon as possible so that an alternative date may be considered within 5 working days of the proposed date. In the event that you are unable to attend then I will review the position in your absence but your representative may attend on your behalf if you wish. I enclose a copy of the Sickness Absence Policy and Procedure and copies of the Sickness Absence Interview Records and other documents that may be referred to at the meeting.

Please confirm your attendance (in writing or email) to **(insert arrangements)**.

If you are of the view that you are too ill to attend the meeting at Academy then you have the option to:

- Meet in a neutral venue or at your home; or
- Attend via telephone conference; or
- Send a trade union representative or work colleague to represent you with your written consent; or
- Provide a written submission; or
- Request that the meeting takes place in your absence.

If you do not confirm your attendance or tell me what you wishes are with regard to the above, then the meeting may take place in your absence with the outcome communicated to you in writing. Meetings will not be postponed beyond 5 days unless there is medical evidence that you are not medically fit to take part by any of the means described above.

Yours sincerely

Senior Manager

Appendix C

Model Letter: Outcome of First Sickness Absence Review Meeting

Dear

Outcome of Stage 1 Sickness Absence Review Meeting

I refer to the Stage 1 Sickness Absence Review Meeting on (date) and write to confirm the outcome. *Insert the points discussed under each heading below*

- the standard of attendance expected of you;
- how your attendance has been assessed as falling below these standards and the effect of this on (teaching and learning)(service delivery) (colleagues);
- the results of the informal procedure, including any measures taken to support you so far and any work related issues;
- what you and/or your representative said were mitigating circumstances and my view on this;
- the reasons, including any underlying causes, for poor attendance , decision on referral to Occupational Health if this is required;
- confirmation, where appropriate, that the poor attendance is due to an illhealth issue;
- the way forward and the action plan: o the improvements necessary to achieve the expected standards; o the timescale for improvement; o how attendance will be measured/monitored; o additional support/training to be provided; o temporary or permanent work adjustments
o the review period, (normally one month and no more than three months);

I informed you that if your attendance is not satisfactory by the end of the review period then I may decide to recommend to the Headteacher that a Stage 2 meeting is held to consider termination of your employment because of your lack of capability through ill health.

I do hope that you will be able to achieve a satisfactory level of attendance and, should you do so then the process will not be escalated. However this letter will be kept on your personnel file for 12 months. If your attendance is sustained during that period then it will be removed and securely destroyed and any further concerns will be dealt with informally. If it is not sustained then Stage 2 of the procedure will be invoked unless there are exceptional circumstances.

You may have this decision reviewed at an appeal meeting by (another Senior Manager) (Governors). If you wish to do so then you should write to me within 5 days of receipt of this letter explaining the reasons why.

Yours sincerely

Senior Manager

Appendix D: GUIDELINES ON CONDUCTING A RETURN TO WORK DISCUSSION

1.1 Preparing For The Discussion

A return to work discussion provides the correct forum for the member of staff's sickness record to be discussed. The tenor and tone of the discussion will vary considerably depending on the nature of the sickness absence. Somebody returning to work after several months' absence for major surgery and extended convalescence will expect and require a full return to work discussion that may have to be spread over several days. Somebody who has been away for a few days with a minor ailment, having previously enjoyed perfect health, will probably only require a few minutes for their return to work discussion. However, before any return to work discussion, you should gather all relevant information regarding the member of staff's absence record and decide under what category of absence you wish to deal with the case.

Cases that may fall within the category of frequent short-term sickness absences are possibly going to generate the most problems. Staff who have been off for several weeks are unlikely to dispute the fact that they have a long-term absence. But your decision to treat a series of short-term absences as amounting to "frequent" may be challenged. If therefore you feel that a case should be dealt with on that basis you should prepare for the discussion by giving consideration to the following factors:

- Is the member of staff's absences part of a regular or erratic pattern?
- In which part of the week do their absences occur?
- What is the average length of their absences?
- What is the reason given for the absence?
- Are the reasons varied or is there a pattern?
- How does their absence record compare with other staff in the Team?

1.2 Conducting The Discussion

Whatever the category of sickness absence the same structure can be followed for the return to work discussion, although the time taken for the process will vary from a couple of minutes for an occasional short-term illness to several hours over several days for somebody returning after a long-term absence. Matters to be covered in the return to work are:

1. welcome back
2. discuss the reason for the absence
3. any effects of absence
4. if relevant any further action including changes to working arrangements
5. completion of formalities

During the discussion, ensure that you give the member of staff every opportunity to discuss any concerns that they may have with regard to their absence. Do not be judgemental, become over-involved, make assumptions about their absence, or attempt to give any advice that you are not qualified to give. **Be open-minded and stick to the facts.**

1. Welcome Back

Begin the discussion by welcoming back the member of staff and letting them know that they have been missed. In many cases the primary purpose of the return to work discussion will be a brief thank you to the member of staff for all that they do for the School. The discussion confirms that the member of staff is valued, which is evidenced by the fact that even when they were not here for a few days he or she was missed. Only in a minority of cases will the process be more complex and complicated. In all cases explain the purpose of the discussion and make it clear that it is routine to conduct one with all members of staff who are absent due to sickness absence.

2. Discuss The Absence

Having regard to the nature and length of the sickness absence you need to gain information on the following:

- whether the member of staff is fit enough to resume their duties
- whether the absence was work related
- what steps the member of staff has taken towards their recovery
- what preventative measures they are taking to reduce the likelihood of such absence occurring in the future
- place the absence in the context of any previous absences and, where appropriate, seek an explanation for any apparent patterns or trends

These areas should be explored in a caring and concerned manner. The best way to do this is by active listening, ie listening carefully to what the person has to say.

3. Any Effects Of Absence

In cases of persistent absence, you should take this opportunity to remind the member of staff of the importance of full attendance whenever possible. You should point out the actions that either you or your colleagues had to take as a result of their absence, eg working extra hours, employing extra help etc. Discuss any observations you have made regarding their absence, eg if their absence seems to form a pattern and explore ways in which you can help the member of staff attend as required.

Remind the employee that they have an obligation to be present at work. Then state that the School understands that people are afflicted by events and illness that sometimes prevent them from discharging their obligation. Both the School and the member of staff need to co-operate to ensure that this contractual obligation is maintained, but the responsibility for absence rests with the member of staff.

4. Future Action

You should summarise any action that you have agreed should take place, eg referral to the Occupational Health Advisor, referral to counselling, changes to working arrangements etc. You should ensure that it is clear who will be taking this action and whether anyone else needs to be involved. In most cases of occasional short-term absence no further action will need to be taken and accordingly there will be no need to take notes.

It is very important to leave the discussion on a positive, upbeat note. In the case of staff who have been absent for some time you should brief them on the events that occurred during their absence and discuss any work that they need to do to catch up.

In a minority of cases further action may be needed which could affect the member of staff's contractual relationship with the School. This could involve taking formal action under the School's procedures for managing sickness absence and capability. If that is being proposed the member of staff will be notified of the reasons for taking that course of action.

5. Completion Of Formalities

You should now complete the Return to Work Form, ensuring that you note any future action you have agreed to take as above.

RETURN TO WORK DISCUSSION

Introduction

When a member of staff returns to work after a sickness absence, their nominated point of contact, manager, Line Manager or nominee should arrange a discussion with her/him on their first day back, or as soon as possible thereafter.

The purpose of the return to work discussion is to:

- Give the relevant member of the School the opportunity to check that the person is fit enough to return to work.
- Allow the relevant member of the School the opportunity to express a proper interest in the member of staff's welfare.
- Give the member of staff an opportunity to voice any concerns he or she may have, and to identify any domestic, welfare or work related problems in an appropriate forum.
- Raise the option of the member of staff seeing the Occupational Health Advisor or other specialist adviser. If it is decided to refer a member of staff to Occupational Health or another third party the member of staff will be notified in writing of that decision.
- Allow the relevant member of the School the opportunity to ensure that the member of staff knows that they have been missed, and to update them on events that may have occurred during their absence.

Where there is any doubt about whether a member of staff is fit enough to be back at work, the advice of the Occupational Health Advisor should be sought in the first instance, and it may be necessary to request a certificate of fitness to return to work from their GP.

At the end of the discussion, a return to work form should be completed by the Line Manager or nominee.

RETURN TO WORK INTERVIEW FORM

Details Of Meeting
Name: Date Of Meeting: Attendees:

Periods Of Sickness Absence In The Previous 12 Month Rolling Period:

Summary Of Key Points Discussed:

Review Dates Or Action Required:

Agreed Timescale For Improvement (If Appropriate):

Signed:
.....
 Manager

Date:

Signed:
.....
 Staff Member

Date:

Sickness Absence Procedures Flowchart

Unacceptable attendance due to short term/intermittent sickness absence/illness

acceptable attendance – health due to long term sickness absence/ill health

Informal Stage
Manager uses Sickness Absence Interview Meeting(s) to investigate reasons and agree actions with timescales completes Sickness Absence Interview Record. Any records from Return to Work Meetings will be used to inform the first Sickness Absence Interview meeting.

Informal Stage
Manager or suitable alternative officer (or HR provider) maintains contact with absent employee. After [28] days continuous absence (or earlier depending on nature of absence, previous sickness record and wishes of employee) manager normally asks for referral to Occupational Health.

Absence/Performance improved

No improvement

Manager writes letter to employee to confirm monitoring

Normally obtain medical opinion from Occupational Health. Where an individual could qualify for ill-health pension, referral must ask for opinion on this matter. Possible Normal Outcomes: no underlying/on-going medical condition; not fit to return yet – further assessment required in 'x' months, fit to return to job with reasonable adjustments/phased duties; fit to return to alternative job(redeployment); permanently unfit to work.

Formal Stage 1
Senior Manager meets employee (and representative) to discuss absence levels and OH advice as appropriate. Actions agreed, including those in response to OH advice, and confirmed in writing. Where appropriate, required improved attendance standard/time scale set and confirmed in writing. The employee may ask for the decision to be reviewed by another senior manager or governor(s) at an appeal meeting.

Review after 1-3 months

Absence/Performance improved

No improvement

Manager sends letter to employee arranges further review meetings as appropriate. After 12 months, manager writes to employee to confirm improvement has been sustained. If not sustained than Stage 2 may be involved.

Prior to Stage 2 Meeting (or voluntary resignation on ill health grounds), employee should have opportunity to see Independent Doctor to be assessed for ill-health pension.

Formal Stage 2
Headteacher meeting with employee representative (where HT has taken the role of a senior manager a committee of Governors will assume HT role) decision based on report from manager/response from employee/representative and where appropriate should include consideration of: - Redeployment Options/possible adjustments; and/or – Independent Doctor Assessment.

Termination of Employment with or without early release of pension benefits. Employee has right of appeal to Governors Appeals Committee (against dismissal) and right of appeal to Pensions Service (against non-release of pension benefits).