



MANAGING ATTENDANCE/SICKNESS CAPABILITY POLICY
FOR SCHOOL BASED STAFF

Approved on 30.11.2020 by the FGB

Contents

Introduction, Scope, Aim	2
Support/assistance mechanisms	2
Responsibilities of the Headteacher/Governing Body & Employee	3
Processes	
Sickness monitoring/reporting	4
Sickness Notification Procedure	4
Fit Notes	5
Sick Leave Payments & Periods	5
Suspending Sick Payments	6
Appointments/surgery/treatments/diseases	7
Return to Work Meetings	8
Short term absences	10
Triggers	10
Formal Procedure	11
Formal Stage 1	11
Formal Stage 2	12
Formal Stage 3	14
Case Review	15
Long term absences	17
Welfare Contact	17
Occupational Health	18
Procedure	19
Returning to Work	20
Redeployment	21
Long and Short Term Absence – Combined	21
Appeals	22
Equality Act 2010 and Equality Statement	22
Appendix A: Sample Notification Procedure	23
Appendix B: Appeals	24
Appendix C: Short Term Absence Flow Chart	27
Appendix D: Occupational Health Referral Process	28
Appendix E: Long Term Absence Flow Chart	29

1.0 **INTRODUCTION**

This school is committed to maintaining and promoting the health and wellbeing of all its employees however, school recognises that some absences are inevitable as illness and accidents cannot be avoided completely. The management of absence from work requires a positive, pro-active but supportive management attitude and policies and procedures applied consistently.

2.0 **SCOPE**

This policy and procedure applies to all employees of the school.

3.0 **AIM**

To provide a fair and consistent process for the Headteacher, Senior Leadership Team and Governing Body for dealing with the management of absence due to sickness.

This policy also provides guidance to employees on the process and the responsibilities they have, the support available to them and procedures which will be followed.

4.0 **SUPPORT/ASSISTANCE MECHANISMS**

Alliance Workplace Counselling is a confidential service providing face to face counselling sessions for a variety of issues including workplace related issues and personal difficulties i.e. anxiety, bereavement. Contact number: 0800 1075880.

The **Occupational Health Service** provides access to an independent medical practitioner for employee referrals and advice on a number of issues (see 9.2).

Contact Officers are trained to provide support and guidance to employees who feel they are subject to harassment, discrimination or bullying issues in the workplace. Employees can telephone the confidential internal council support helpline on 01642 727424.

Sports and Leisure Management Ltd, in partnership with Middlesbrough Council, offer a small discount to Council employees.

Fast track physiotherapy is available if an employee's GP or specialist has suggested physiotherapy may assist recovery but there is a long waiting list.

MRI scans may be fast tracked via the council where there are long waiting lists. The employee's GP must provide signed confirmation of the need for this.

Any provisions the school may have in line with their Insurance policy.

5.0 COMMITMENT AND RESPONSIBILITIES

The commitment and responsibility for managing absence rests with the Headteacher and Governing Body. They, along with the employees have a part to play in addressing the issues caused by absence and the underlying reasons for absence and illness.

5.1 Responsibilities of Headteachers/Governing Body:

- To monitor and manage levels of sickness absence in line with this policy utilising the monitoring procedures that are in place
- To ensure that all employees are aware of the managing attendance policy
- To comply with the sickness reporting procedures
- To maintain regular contact with employees throughout any periods of sickness
- To ensure employees are aware of all support mechanisms available
- To keep a record of all contact dates and written communication of all formal meetings
- To carry out return to work meetings and complete associated forms
- To ensure that patterns of absence are monitored and when triggers are reached the formal procedure is applied and written records are kept
- To identify any work-related causes of sickness and seek advice from Human Resources and the schools Health and Safety Advisor when required
- To consider any reasonable adjustments required
- To ensure early intervention or support is offered in appropriate cases, in line with the Mental Wellbeing Policy and advice from Human Resources
- To consider facilitating redeployment where appropriate and if available
- To facilitate rehabilitation programmes following long term sickness absence, where necessary and appropriate, in line with this policy
- To highlight any training needs if necessary
- To encourage employees to be motivated and help them feel valued at work for their contribution
- To support employees who suffer ill health and assist them in managing any work-related aspects of illness or absence
- To comply with all aspects of the Equality Act.

5.2 Responsibilities of the employee:

- To attend work unless unable to do so for genuine reasons of their own sickness
- To know how to report their absence from school properly – See Appendix A
- To comply with all elements of the procedure
- To provide a self-certification and / or a Statement of Fitness for Work signed by a GP, to cover all periods of sickness absence in accordance with the policy
- To co-operate with the Occupational Health service of the school
- To raise any individual needs due to disability or other requirements
- For employees on long term sickness leave – to participate in any rehabilitation process (advised by Occupational Health or GP)
- To maintain the regular contact with the school when on sickness absence

- To co-operate fully, in person with school procedures for managing attendance, maintaining communications and attending review/formal meetings
- Wherever possible, Teachers should ensure plans and records are in place to ensure continuity of work, lesson planning etc.

6.0 **PROCESSES**

6.1 **Sickness monitoring/reporting**

Keeping accurate sickness records is not, in itself, sufficient unless the information is used for managing the processes within the policy. **Throughout this procedure the Headteacher may delegate this to a nominated person.**

The Headteacher will:

- Check each employee has an attendance record which is kept up to date. An example of such a record is form AR-1 Employee Attendance Sheet.
- Check attendance records at the end of each sickness period, to see if some form of action or intervention is required.
- Be responsible for recording all absences both accurately and promptly.
- Maintain regular contact with all absent employees
- Examine patterns of absence e.g. sickness before or after holidays or weekends, to establish if an unacceptable pattern is occurring.
- Establish with the employee when any periods of absence start and finish.
- Carry out return to work meetings for all absences (including half a day) at the earliest opportunity following the employee's return to work

Accurate and well-presented information is necessary for audit purposes and to ensure the employee is paid appropriately. It is also essential should evidence ever be required to be presented at a tribunal.

In employment tribunals, procedure and fairness are considered of the utmost importance and this can only be proven with clear, legible records and records of actions required and those taken.

6.2 **Sickness Notification Procedure**

The school has a set procedure that employees must follow when they are absent from work due to illness. All employees must be aware of, and follow, this notification procedure.

Failure to comply with the reporting procedure may result in an unauthorised and therefore unpaid absence and may be dealt with under the school's disciplinary policy.

The schools standard reporting procedure is outlined at Appendix A

It is the responsibility of employees to make contact personally by telephone with the named contact in school by the time specified in the reporting procedure. **Texting and emailing is not appropriate.**

6.3 Fit Notes

Under the fit note system GPs can advise if an employee is unfit for work or may be fit for work with support and adaptations from the employer.

A fit note will be issued in either case and the employee must continue to provide a fit note after the 7th calendar day of absence. Suggestions for temporary adjustments may include a phased return to work, altered hours, amended duties, and / or workplace adjustments.

The Headteacher will consider the GP's recommendations and be flexible where possible. If it is not possible to make the adjustments or adaptations, the Statement may be used as a 'not fit for work note' for the period of time specified on the note.

Where an employee feels they are able to return to work before the end of the Statement period and it is agreed that this is appropriate, the employee does not have to return to their doctors to be 'signed off' or wait until the end of the statement period is reached. Human Resources can be contacted for further advice.

6.4 Sick Leave Payments

Sick payment periods are calculated directly by the school's payroll provider therefore all periods of sickness absence must be recorded accurately.

- Each month Staff Absence Returns must be forwarded to the payroll provider stating who has been absent due to sickness and for what period of time.
- When an employee is transferring onto half pay/nil pay, they should be informed in writing. When all Statutory Sick Pay has been exhausted, an SSP1 form should be forwarded to the employee

6.4.1 Sick Leave Payment Periods

Teaching Staff - The payment of sick pay is calculated on the basis of the following:

	Full Pay	Half Pay
During 1st year of service	25 working days	Nil
(after completing 4 months service)	25 working days and	50 working days
During 2nd year of service	50 working days and	50 working days
During 3rd year of service	75 working days and	75 working days
During 4th (and sub-sequent) years of service	100 working days and	100 working days

For the purpose of Teachers sick pay, 'service' includes all aggregated teaching service.

For the purpose of calculating a teachers' entitlement, a year is deemed to begin on 1st April and end 31st March of the following year. Where a teacher starts service after 1st April in any year, the full entitlement for that year will be applicable.

Support Staff - The payment of sick pay is calculated on the basis of the employee's continuous service:

	Full Pay	Half Pay
During 1 st year of service	1 month	
(after completing 4 months service)	1 month and	2 months
During 2 nd year of service	2 months and	2 months
During 3 rd year of service	4 months and	4 months
During 4 th and 5 th year of service	5 months and	5 months
After 5 years service	6 months and	6 months

6.4.2 Suspending Sick Payments

Sick payments may be suspended if employees are considered to have abused the sickness scheme. Actions that may result in suspension of sick pay:

- Failure to provide Statements of Fitness for Work (Fit Notes) to cover absences
- Failure to participate in the procedure
- Failure to fulfil the responsibilities of an employee (see 5.2)
- Personal actions that may have affected the recovery rate
- Misconduct or neglect
- Injury sustained during active participation in a professional sport
- Injury while working in own time for private gain or for another employer

If sick pay is to be withheld the employee will be sent prior notification that should they not make contact or comply with the managing attendance procedure then their sick pay will be withheld. Although this can be given verbally it will be followed up in writing.

Abuse of the sickness scheme may be dealt with under the disciplinary procedure.

Where suspension of sick pay is proposed the Headteacher will:

- a. Inform the employee in writing if any suspension of sick pay is proposed, when action has been taken to stop pay and the reasons for this.
- b. Inform the payroll provider if sick payments are to be suspended.

Where sick pay is withheld the situation will be kept under review. Depending on the subsequent developments it may be appropriate to reinstate the sick pay. Further advice can be sought from Human Resources.

7.0 APPOINTMENTS/SURGERY/TREATMENT/DISEASES

7.1 Medical Appointments

Employees are expected to make routine appointments outside of working hours.

It is recognised that there are situations where the employee has no control over appointment times e.g. those allocated by a hospital or clinic. Reasonable time off may be granted by the Headteacher. Leave Form (MA-003) to be completed for all requests and the Headteacher may request evidence of appointment.

7.2 Cosmetic Surgery

There may be occasions when employees elect to have surgery or some form of medical treatment that the NHS does not see as part of their service. Employees will generally be expected to ensure that such elective surgery (and any recovery period) does not conflict with school term dates. In exceptional cases the school may consider a period of unpaid leave.

Examples of this would be (this list is not exhaustive):

Face-lifts, tummy tucks, laser eye surgery, nose reduction, breast implants. If elective surgery is being undertaken to address an underlying health issue, then this will be addressed on a case by case basis.

7.3 Fertility Treatment

Employees may be allowed reasonable time off to undergo fertility treatment. Individual cases will be considered on their own merits – the Headteacher may seek advice from Human Resources as to reasonable time for paid or unpaid leave.

7.4 Infectious Diseases

An employee who is prevented from attending work because of contact with *infectious disease may be entitled to receive normal pay. The period of absence on this account shall not be reckoned against the employee's entitlements under the scheme. The employee must have a note from the GP to confirm this.

*Refer to Public Health Guidance on infection control in schools. Further advice may be sought from Human Resources and the schools Health and Safety Advisor.

8.0 RETURN TO WORK MEETINGS

The Headteacher or nominated person will, following each period of sickness absence, carry out a Return to Work meeting to discuss any absence. This will take the form of an informal confidential meeting following both long and short-term absences. This is to ensure the school runs effectively and efficiently as well as supporting employees with health and wellbeing issues.

Return to work meetings are an essential part of managing attendance, and important to both the school and the employee. It is an opportunity to assist and support employees and possibly to minimise future sickness absences. At the meeting the Headteacher may express any concerns, discuss how the employee is feeling and whether a full recovery has been made. It also gives the employee the opportunity to express any concerns they may have with returning to work and ask for any advice/support etc. For some employees returning to work is difficult and assistance is required.

It is not usually necessary or appropriate to have a trade union representative or Human Resources involved in Return to Work meetings.

- a. Return to work meetings should be held on the first day back to work. If for some substantial reason the meeting cannot take place on the first day back it will be as soon as practicable.
- b. The meeting will be held in confidence. A private room will be used and the employee informed of when and where it will take place.
- c. A Return to Work form (MA-002) will be completed and signed by both the employee and the Headteacher. If requested, the employee will be provided with a copy of the return to work form.
- d. For record purposes relevant dates must be recorded. Statutory Sick Pay (SSP) is calculated over 7 days in a week therefore the following must be confirmed:
 - First day of illness **(this may not have been a work day)**
 - First day of absence from work
 - Date fit for work **(this may not have been a work day)**
 - Date resumed work

- e. The Headteacher will establish the reasons for the absence, whether it is a recurring problem or an underlying health problem that the employer needs to be aware of.
- f. Any patterns of absence will be questioned and any reasons for this will be recorded.
- g. It should be established if the absence has been the result of other incidents/issues.
- h. If the absence was caused by an accident at work, details will be entered in the Accident Book by the appropriate person and health and safety procedures followed.
- i. If the absence was as a result of an accident for which the employee is claiming damages from a third party, the employee should complete the Form of Undertaking to repay sickness payments (MA-008). For further advice on this contact Human Resources.
- j. For any period of sickness absence up to 7 days the employee must complete a self-certification form (MA-001). If the absence is over 7 days then a Fitness for Work (Fit Note) is required with effect from day 8.
- k. Self-Certification forms and Statements of Fitness for Work provided by the GP will be kept with the employee sickness record in school.
- l. The Headteacher will consider patterns of absence and where a trigger is reached will either implement an informal monitoring period (below) or inform the employee that the formal procedure will be followed (9.3) See 9.2 for guidance on trigger actions.

An informal monitoring period implemented during the Return to Work will be effective from the meeting date and the employee will be informed that their attendance will be monitored over the following 3 months and that sufficient improvement is expected. Written records of this action will be kept and it will be confirmed in writing to the employee (Letter STS-A). If there has been sufficient improvement in attendance at the end of the informal monitoring period, the Headteacher will write to the employee confirming that the monitoring has concluded (Letter STS-B). If there is insufficient improvement either during or at the end of the informal monitoring period the formal sickness capability procedure will be followed (see 9.3).

9.0 **SHORT TERM ABSENCES**

Repetitive short-term absences and frequent absences of various lengths that are unpredictable cause problems for the school in terms of providing cover and consistency for the children.

Procedures will be followed for all cases to ensure that employees are managed consistently and fairly.

It is important to realise that action in accordance with this sickness capability procedure, which could ultimately lead to dismissal, can still occur even where the sickness absence is covered by Fit Notes.

The school wants to support and help employees with genuine illness however, it is the amount of lost time and the impact that this has on provision that are the major determining factors for taking action, not whether an employee is genuinely ill.

9.1 **Triggers**

Short term absences are covered by the following triggers:

3 periods of absence, either self-certified or with medical certification, within any 'rolling' 3 month period
Or
7 working days or more within any 'rolling' 12-month period pro rata for part time employees (see calculation below)
Or
any other unacceptable patterns of short-term absence

Short term triggers (7 days in 12 months) for part time/compressed hours staff:

... (days worked per week) ÷ 5 days (full time equivalent) x 7 day trigger = ...

OR

Short term absences are covered by the following triggers:

2 periods of absence, either self-certified or with medical certification, within any 'rolling' 3 month period
Or
7 working days or more within any 'rolling' 12-month period
Or
any other unacceptable patterns of short-term absence

Triggers are not pro rata'd for part time employees.

NB. If an employee has a continuous period of absence of over 4 weeks (20 working days) then the procedure for long-term absences should be followed (point 10 of this policy).

9.2 Triggers reached

- First trigger reached within a 12 month rolling period – implement an informal 3 month monitoring at Return to Work meeting (see 8.0)
- Second trigger reached within a 12 month rolling period or unsuccessful informal monitoring – initiate the formal procedure (see 9.3)

9.3 Formal Procedure

If during the 12 month rolling period following the informal monitoring being implemented and/or during the monitoring period a sufficient improvement is not shown and/or one of the triggers have been reached then a Stage 1 meeting under the formal Sickness Capability procedure will be arranged at the earliest opportunity. (The monitoring period should be extended by the length of time of the summer break if it runs through this period).

The Headteacher will inform the employee of this at the return to work meeting. This will be followed up with a letter to confirm date, time and location of the formal meeting. All invite letters from Stage 2 onwards must indicate that formal action, which may ultimately lead to dismissal, may be taken.

If the Headteacher feels it is appropriate, advice from Occupational Health may be obtained on whether or not there may be an underlying health problem affecting the employee's ability to attend work on a regular basis. Employees will not however, be automatically referred for a medical assessment at this stage, particularly where absences are attributed to minor ailments.

An employee will be informed that they are being referred to Occupational Health, before the referral is made (Letter LTS-C).

Should an employee refuse to attend Occupational Health then they will be made aware that procedures will continue and that a decision will be made on the information available (without the professional/medical advice from the school's provider). Referral process at Appendix D.

Throughout the formal procedure the employee will have the right to be accompanied by a school colleague or a Trade Union representative (it is the employee's responsibility to arrange this representation) and a Human Resource Advisor may be involved.

9.4 Formal Stage 1 Meeting

- a. At this meeting should an employee have a disability then individual consideration will be given to any adjustment or support requirements which may help improve attendance. This consideration should be with the employee and advice may be sought from Human Resources.
- b. Where possible a week's notice (5 working days) of any meeting will be given, in writing, to enable the Trade Union representative enough notice to attend (Letter STS-C). The Headteacher or nominated person will conduct the formal process. **A note taker should be present at all formal meetings.**

- c. The Headteacher will open the meeting by giving an update on the situation and the purpose of the meeting, which is to discuss attendance to date and the lack of improvement. An indication will be given of the levels of concern, with regard to the absence rates. The meeting will consider:
- The employee's attendance record
 - Details of meetings previously held
 - An up to date opinion from occupational health, where appropriate
 - Any relevant mitigating information from the employee and their representative.

In addition, the meeting may explore possible solutions, any underlying problems and discuss any support mechanisms available.

The outcome of this meeting will be:

- a formal monitoring period **and**;
 - forewarning that insufficient improvement may lead to a warning
- d. The outcome will be confirmed in writing within a maximum of 5 working days of the meeting (Letter STS-D). Letters can be emailed, posted or handed to the employee in school.

The monitoring period should be extended by the length of time of the summer break if it runs through this period.

- e. At the end of the monitoring period, where there has been **sufficient improvement** this will be confirmed in writing clarifying that this improvement must be maintained and should the absence levels increase then the school will return to the procedure at the appropriate stage.
- f. Following or during a monitoring period, where there has been **insufficient improvement** a Stage 2 meeting will be arranged.
- g. If during the 12 month rolling period following the formal monitoring period being implemented a sufficient improvement is not shown and/or one of the triggers have been reached, the Headteacher will progress to a Stage 2 meeting.

9.5 Formal Stage 2 Meeting

- a. At this meeting should an employee have a disability then individual consideration will be given to any adjustment or support requirements which may help improve attendance. This consideration should be with the employee and advice may be sought from Human Resources.
- b. Where possible a week's notice (5 working days) of any meeting will be given, in writing, to enable the Trade Union representative enough notice to attend (Letter STS-F). The Headteacher or nominated person will conduct the formal process. **A note taker should be present at all formal meetings.**

c. The Headteacher will open the meeting by giving an update on the situation prior to and following the Stage 1 meeting, the purpose of the meeting, which is to discuss attendance to date and the lack of improvement or one of the triggers being reached. An indication will be given of the levels of concern, with regard to the absence rates. The meeting will consider:

- Support to date
- The employee's attendance record prior to the formal monitoring at Stage 1
- Details of meetings and interim meetings previously held
- Update on attendance since Stage 1 meeting
- An up to date opinion from occupational health, where appropriate
- Any relevant mitigating information from the employee and their representative.

The outcome of this meeting will be:

- Further formal monitoring period

Or

- Formal warning

d. A formal warning may be issued in the case where at least 2 previous monitoring periods have been set (including informal monitoring).

If a formal warning is issued the employee will be notified in writing of:

- How long this stays on their record – minimum of 6 months
- Continued monitoring during the warning period. During this period a sufficient improvement in absence levels must be shown.
- Their right of appeal within 10 working days of the date of the letter. The appeal must be in writing and state the basis upon which it is being made (see 12.0).

e. The outcome will be confirmed in writing within a maximum of 5 working days of the meeting (Letter STS-G). Letters can be emailed, posted or handed to the employee in school.

Any monitoring or warning should be extended by the length of time of the summer break if they run through this period.

f. The employee will have the right to appeal against any formal warning. For further guidance see Appendix B.

g. At the end of the monitoring/warning period, where there has been **sufficient improvement** this will be confirmed in writing clarifying that this improvement must be maintained and should the absence levels increase then the school will return to the procedure at the appropriate stage (Letter STS-E or STS-H).

- h. Following or during a monitoring/warning period, where there has been **insufficient improvement** a Stage 3 meeting will be arranged.
- i. If during the 12 month rolling period following the second period of formal monitoring or a formal warning a sufficient improvement is not shown and/or one of the triggers have been reached, the Headteacher will progress to a Stage 3 meeting.

9.6 Formal Stage 3 Meeting

- a. At this meeting should an employee have a disability then individual consideration will be given to any adjustment or support requirements which may help improve attendance. This consideration should be with the employee and advice may be sought from Human Resources.
- b. Where possible a week's notice (5 working days) of any meeting will be given, in writing, to enable the Trade Union representative enough notice to attend (Letter STS-F). The Headteacher or nominated person will conduct the formal process. **A note taker should be present at all formal meetings.**
- c. The Headteacher will open the meeting by giving an update on the situation prior to and following the Stage 2 meeting, the purpose of the meeting, which is to discuss attendance to date and the lack of improvement/trigger being reached. An indication will be given of the levels of concern, with regard to the absence rates. The meeting will consider :
 - The employee's attendance record prior to the formal action
 - Details of meetings and interim meetings previously held
 - Update on attendance since Stage 2 meeting
 - An up to date opinion from occupational health, where appropriate
 - Any relevant mitigating information from the employee and their representative.

The outcome of this meeting will be:

- Formal warning – minimum of 6 months

Or

- Final warning – minimum of 12 months

- d. A formal warning may be issued in the case where at least 2 (including informal) previous monitoring periods have been set.

In the case where a formal warning has already been issued then a final warning may be issued.

The employee will be notified in writing of:

- How long this stays on their record – minimum of 6 months for formal warning – minimum of 12 months for final warning
- Their right of appeal within 10 working days of the date of the letter. The appeal must be in writing and state the basis upon which it is being made (see 12.0)

- e. The outcome will be confirmed in writing within a maximum of 5 working days of the meeting (Letter STS-I). Letters can be emailed, posted or handed to the employee in school.

All warnings should be extended by the length of time of the summer break if they run through this period.

- f. The employee will have the right to appeal against any formal warning. For further guidance see Appendix B.
- g. At the end of the warning period, where there has been **sufficient improvement** this will be confirmed in writing clarifying that this improvement must be maintained and should the absence levels increase then the school will return to the procedure at the appropriate stage (Letter STS-J).
- h. Following or during a warning period, where there has been **insufficient improvement**, a further Stage 3 may be repeated.
- i. Following or during a final warning period, where there has been **insufficient improvement** a Case Review meeting will be arranged.
- j. If during the 12 month rolling period a sufficient improvement is not shown and/or one of the triggers have been reached, the Headteacher will consider whether this is referred back to Stage 3 or moved to a Case Review meeting.

9.7 Case Review Meeting

- a. If, after a final warning has been issued and there is not a sufficient and sustained improvement a Case Review meeting will be arranged. This meeting will be to consider all the facts to date following previous formal stages and will consider dismissal.
- b. At this meeting should an employee have a disability then individual consideration will be given to any adjustment or support requirements which may help improve attendance. This consideration should be with the employee and advice may be sought from Human Resources.
- c. Where possible a week's notice (5 working days) of any meeting will be given, in writing, to enable the Trade Union representative enough notice to attend (Letter STS-K). The letter inviting the employee to the meeting will forewarn them that dismissal may be an outcome. **A note taker should be present at all formal meetings.**
- d. This meeting will be chaired by the Headteacher or a representative of the Governing Body and will consider dismissal based on the following:
 - The employee's attendance record to date
 - Details of dates and outcomes of meetings previously held
 - An up to date opinion from occupational health where appropriate
 - Any relevant mitigating information from the employee and their representative

- e. Following an adjournment, it is expected that the decision on the outcome will be made and communicated to all parties. This will be followed up in writing within 5 working days of the meeting.

If for any reason a decision cannot be made, the reason for this must be explained to all parties. In this case the outcome will be communicated by letter within 5 working days of the meeting.

- f. The employee will have the right to appeal against the decision. For further guidance see Appendix B.

10.0 LONG TERM ABSENCES

Although the Headteacher will be consistent in the application of the managing attendance procedure, each case of long-term absence will be different and will be treated on an individual basis.

Long term absence is generally regarded as a continuous absence of at least 4 weeks where there is no immediate prospect of the employee returning to work.

The majority of long-term sickness is unplanned, although there are exceptions such as non-emergency surgery. Even then, the duration of the absence can be difficult to predict.

The School's approach to managing long-term absence is governed by two main factors:

- The need to maintain the efficient and effective management of the school with reduced employee levels due to absence
- The need to treat employees reasonably and fairly and to support them

The Headteacher may maintain contact with absent employees, the level of contact may vary depending on the circumstances. For further advice, if required, contact Human Resources.

Throughout the formal procedure the employee will have the right to be accompanied by a school colleague or a Trade Union representative and a Human Resource Advisor may be involved. Where possible a week's notice (5 working days) of any meeting will be given, in writing, to enable the Trade Union representative and Human Resources enough notice to attend. The formal process will be conducted by the Headteacher or nominated person.

10.1 **Welfare Contact**

Under the discretion of the Headteacher may make contact, with the employee either by telephone or arrange to meet in person (Letter LTS-A). The purpose of this contact is to try to establish:

- The likely duration of the absence
- What problems the employee may be experiencing
- Whether the school can offer support/assistance
- An indication of a return to work date

This may not happen if the Head Teacher is under the impression this will heighten the anxiety or create unneeded pressure.

The employee is encouraged to contact the Head Teacher at any time by phone or email.

It is not usually necessary or appropriate to have a trade union representative or Human Resources involved in welfare meetings.

Any subsequent action will depend on the outcome of this contact, management advice may be sought from Human Resources.

10.2 Occupational Health Referral

An outcome of the welfare contact may be to refer an employee to the school's Occupational Health provider. Advice on particular health problems, timescales of recovery from operations, general guidance on support mechanisms and fitness for work are available and may be of some assistance in progressing the situation, (for further information contact Human Resources).

An employee will be informed that they are being referred to Occupational Health, before the referral is made (Letter LTS-B or LTS-C)

Should an employee refuse to attend Occupational Health then they will be made aware that procedures will continue and that a decision will be made on the information available (without the professional/medical advice from the school's provider).

The following procedure will be applied:

- a. The referral process is detailed at Appendix D.
- b. The Headteacher will then write to the employee, giving 5 days' notice where possible, to inform them that a formal meeting has been arranged to discuss the report (Letter LTS-D). **The employee will be entitled to bring with them their Trade Union representative or a school colleague.** Human Resources may also attend this meeting to give advice on the procedure.

NB A note taker should be present at all formal meetings.

- c. During this meeting the Headteacher will discuss with the employee the outcome of the report, provide any further advice, suggest an appropriate rehabilitation method (if appropriate) or provide further information on the permanent ill health procedure (where appropriate), the content of this meeting will be different for each individual case.
- d. Once the meeting is concluded the Headteacher will write to the employee to confirm the outcome (Letter LTS-F or LTS-J). This letter will vary depending on the case; advice on content can be sought from Human Resources. If the outcome is a return to work date, this **may** need supporting by one or a combination of the rehabilitation mechanisms.
- e. On the employee's return to work, a Return to Work meeting will be arranged. Triggers will have been met and the appropriate action will be taken i.e. attendance monitored over the following three months or a warning issued depending on history. The monitoring/warning period should be extended by the length of time of the summer break if they run through this period. If a meeting has been held prior to the Return to

Work meeting to plan a phased return, appropriate action will have been taken at the meeting i.e. monitoring period or a warning so this does not need repeating at the Return to Work meeting.

- f. If the employee is in the Local Government Pension Scheme (LGPS) and at this stage is considered to be a possible permanent ill health candidate then a further examination will take place with an independent pension physician. Seek further advice on this process from Human Resources. Teachers may apply to the Teachers' Pension Scheme following the Teachers' Pension process for ill health benefits.
- g. Occasionally it may be appropriate for permanent ill health retirement to be considered without prior referral to Occupational Health.

10.3 Procedure

If, following referral to Occupational Health, none of the support mechanisms are achievable and/or sustainable and the employee continues to remain absent from work or the return is not sustained without it leading to permanent ill health (via the applicable pension scheme) **OR** where it has been determined that a referral to Occupational Health will not be made following welfare contact then the following process will be followed:

- a. A formal meeting will be arranged, in writing, giving 5 days' notice where possible, by the Headteacher to review the situation. The purpose of the meeting will be to discuss the employee's situation and consider what options remain to be explored. When arranging the meeting, the employee will be reminded of the right to have a Trade Union representative or a school colleague with them and a Human Resources representative may attend. The outcome of the meeting will be confirmed in writing by the Headteacher (Letter LTS-F).

NB A note taker should be present at all formal meetings.

- b. Regular meetings will be arranged with the employee and a further referral (if not made already) to Occupational Health may be considered. Due to the particular circumstances surrounding individual employees' long-term absences, it is not possible to prescribe exactly how many meetings should be held with each employee prior to considering possible termination of employment on the grounds of sickness capability. Each meeting will be arranged, in writing (Letter LTS-E), where possible giving 5 working days' notice, the option of a Trade Union representative or a school colleague to accompany the employee will be given and Human Resources may be involved. If consideration is being given to terminate a contract this will be clearly stated as soon as there is a consideration and not left until the final meeting (Letter LTS-G).
- c. The outcomes of the meetings will be confirmed in writing by the Headteacher (Letter LTS-F)
- d. Throughout this procedure each case will be considered on its individual merits but when an employee is reaching an absence level of 6 months a view has to be taken as to what is a reasonable amount of time for illness/operations/problems to be resolved and termination of the

employees' contract may need to be considered. NB 6 months may not necessarily be a continuous period.

- e. Having reviewed and discussed all possible options in relation to the employee's health and return to work, it may be necessary to consider the termination of employment on the grounds of sickness capability. Where this is the case the letter inviting the employee to the meeting will forewarn them that the meeting may lead to a Case Review meeting. Advice may be sought from Human Resources.
- f. Where termination of the employee's contract is being considered on the grounds of sickness capability; a return to work date will be set and the employee will be forewarned that if they have not returned to work by a particular date or cannot return in the very near future a Case Review meeting will be arranged where termination of the employee's contract will be considered. This will be confirmed in writing by the Headteacher.
- g. A Case Review meeting will be arranged with the Headteacher or a representative of the Governing Body and the employee. The letter inviting the employee to the meeting will forewarn them that dismissal may be an outcome (Letter LTS-H). This meeting will be to discuss and consider the information to date and to allow the employee and/or their representative the opportunity to respond.
- h. If the outcome of the Case Review meeting is a decision to dismiss the employee on the grounds of sickness capability then confirmation of termination of employment will be confirmed at the meeting and in writing by the Headteacher/Governing Body, within 5 working days from the date of the meeting (Letter LTS-I)
- i. The employee will have the right to appeal against the decision. The appeal must be stated in writing within 10 working days of the date of the letter and addressed to the Headteacher. The appeal letter should include the basis upon which the appeal is made. For further guidance see Appendix B.

10.4 Returning to work following long term sick

The Headteacher will ensure that work is not built up or back-logged pending the employee's return.

For employees who have been off for an extended period of time it may be appropriate for them to return to work on a phased basis, which may also be suggested by the employee's GP or occupational health, examples of which are below. This will be phased over a period of **up to** 4 weeks however, timescales outlined on a doctors Fit Note may be taken into consideration.

- A partial reduction in duties/responsibilities (light duties) may need to be considered to enable the employee to return on a gradual basis to the levels at which they were working before the sick leave period. An assessment by the Headteacher will have to be made based on the school, the pupils and any support available as to how/if the post can be adjusted. Duties/responsibilities will be gradually increased to the full duties by the end of the rehabilitation period.

- After an employee has been ill for a number of months it may be that returning to full time employment will initially be exhausting for them. In such circumstances a reduction in working time should be considered. Options for this could be:
 - Working 2/3 days in the first week gradually increasing to 3/4 days with a full return to 5 days per week at the end of the rehabilitation period.
 - Days per week remain the same but daily working hours are initially reduced, gradually increasing with a full return at the end of the rehabilitation period.
- Consideration will be given to reduce working time to enable the employee to continue with particular physiotherapy programmes or physical exercise routines.
- Workplace assessment eg: workstation location, seating arrangements (display screen user criteria).

Rehabilitation may be one or a combination of the above. Each case will be considered on its individual merits. The Headteacher will be mindful to be as supportive as possible, while taking into account the needs of the school.

During any agreed phased return to work the employee will return on full pay during the agreed period. Regular meetings will be held with the employee to discuss their progress during the rehabilitation period.

The Headteacher will confirm agreed phased return arrangements in writing (Letter LTS-J).

10.5 **Redeployment**

If medical evidence shows that an employee is unfit to return to their current job, but would be fit to return to a different type of job or work area, then redeployment within the school may be a consideration if available and appropriate. For further advice, contact Human Resources.

Employees are expected to play an active role in considering which other employment may be suitable.

11.0 **LONG AND SHORT-TERM ABSENCES - COMBINED**

When considering an employee's sickness record and the 12 months rolling period, or longer depending on absence and patterns, Long Term absence and Short-Term absence will not be treated separately. All accumulated days will be taken into account when reflecting back, for trigger purposes and formal meeting requirements.

If there have been several short-term absences and a warning has been issued, if the employee is absent again long term, it may be appropriate to consider a further warning or final warning.

12.0 APPEALS

The basis upon which an appeal is made needs to be clearly stated e.g:

- the perceived unfairness of the judgement
- the severity of the penalty
- new information coming to light
- procedural irregularities

Appeals against any formal action will be heard by an appeal panel formed from the Governing Body. Human Resources will give advice on this process. For further guidance see Appendix B.

13.0 THE EQUALITY ACT 2010

The protected characteristic of disability applies to a person who has a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

School has a duty to make “reasonable adjustments” where any aspects of the working arrangements or the work premises place a disabled employee at a substantial disadvantage in comparison with an employee who is not disabled.

Where adjustment is considered or made, and the employee still cannot fulfil the requirements of the job advice can be sought from Human Resources.

14.0 EQUALITY STATEMENT

The Managing Attendance Policy applies to all employees irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

Sample Notification Procedure

If you do not follow these reporting arrangements your absence from work may be classed as unauthorised absence rather than sickness, and could mean it is unpaid. The school disciplinary policy may also be invoked.

First Day

If you cannot attend work because of illness or injury you must **personally** notifyat the school befoream giving the reason for your absence and how long you think this will last. **You must not notify the school of your absence by text message or email.**

You should make contact with each day for the first week of absence unless you agree something different on the first day you ring in.

You must complete a Self Certification form for all periods of sickness absence of up to **5 days** as soon as possible or on the day of your return to work. This form is available from school.

Sixth Day

You should continue to keep in regular contact with your nominated person, to advise them that you are still unwell and let them know if you are recovering.

If you have been absent for more than 7 calendar days you must obtain a Statement of Fitness for Work (Fit Note) signed by a doctor as soon as possible and send this and any further medical Statements into school. You will need to discuss any advice or comments your doctor has made on the Fit Note with the Headteacher.

Returning to Work

As soon as you know that you are going to be able to come back to work you should let your nominated person know.

Any temporary adjustments that have been advised by your doctor to support your return to work will be discussed prior to your return. Timescales specified on the fit note will be taken into consideration when agreeing any adjustments.

Appeals against Warnings and Dismissal

1. Administration

Appeals against warnings or dismissal should be notified to the person making the decision to be appealed against in writing, within 10 working days of the date of the letter confirming the decision. The employee concerned must lodge all appeals; other parties or representatives on behalf of the employee cannot lodge appeals.

An appeal hearing will then be arranged and the employee will receive at least 10 working days' notice of the hearing of an appeal and may be represented at this by a trade union representative or a school colleague (Letter MA-009). The notice period of 10 working days may be reduced only by mutual agreement.

A fundamental aim of the appeals procedure is for the school not only to be fair but also to be seen to be fair in dealing with its employees. Where the procedure is silent on any point, which may arise during the course of the hearing, it is for the Appeals Panel to decide, in the light of any representations made by management and the employee and/or representative, what course of action should be followed.

A note taker should be present at the Appeal Hearing.

2. Appeals Procedure

(A) **Representation and Attendance**

The normal procedure will be for the employee plus one representative and the management representative to attend and present their cases. The management representative will be the person who issued the warning/made the dismissal decision; this will usually be the Headteacher unless he/she has previously delegated the management of the case. Dismissal decisions may not be delegated.

(B) **Constitution of Appeals Panel**

An Appeals Panel should be formed from the Governing Body to include three members of the Governing Body that were not involved in the original decision. The Appeals Panel should also be advised by a representative of Human Resources, who shall not be entitled to vote in any proceedings of the Panel. The Panel would usually consist of governors from the school concerned, however, it may be necessary to form a panel of governors from other Governing Bodies.

(C) **Written Statements**

Both management and the employee will be invited to submit any additional information and/or reports. These will need to be submitted to enable papers to be exchanged at least 3 working days before the hearing.

(D) **Procedure for the Appeal Hearing**

(a) The employee and/or representative to state the case.

- (b) The management representative may ask questions of the employee and/or representative.
- (c) The Chair and Panel may ask questions of the employee and/or representative.
- (d) The management representative shall state the case
- (e) The employee and/or representative may ask questions of the management representative.
- (f) The Chair and Panel may ask questions of the management representative.
- (g) The employee and/or representative to have the opportunity to sum up the case if he/she wishes.
- (h) The management representative to have the opportunity to sum up the case if he/she wishes.
- (i) The management representative, employee and representative to withdraw.
- (j) The Panel to deliberate recalling management representative, employee and representative only if clarification of evidence already given is required. In such instances both parties should be recalled even though clarification may be required from only one side.
- (k) The Chair shall announce the Panel's decision to both sides unless further time for deliberation is needed, in which case both sides will be advised of this and the decision advised in writing.
- (l) The decision of the Panel will be notified to both sides in writing within 5 working days of the appeal hearing (Letter MA-010)
- (m) The decision of the Panel is final.

Notes:

The provision of summing up at (i) and (j) does not include the right to introduce new evidence at this stage in the procedure. If this becomes necessary, then the other side should be given the right of reply.

The hearing is not a court. The employee and management representative should be questioned in a courteous and appropriate manner. They should be allowed to answer questions fully and not be interrupted unless there is a misunderstanding of the question or they stray from the matters under discussion.

Where points of clarification, which affect the understanding of the case being advanced, do need to be raised, the Chair may ask questions at any point during the proceedings but otherwise will raise questions at the appropriate stages.

Any matters of procedure not covered above will be for the Panel Chair to decide.

(E) Decisions

On the basis of the evidence presented, the Panel will make a decision on the outcome.

Decisions generally will fall into two categories, namely:

- (a) not allowing the appeal in which case the employee's dismissal or warning is confirmed.
- (b) allowing the appeal in which case, if the Panel are of the view that some action is necessary, they may consider one or more courses of action such as:
 - i. monitoring period in accordance with the school's managing attendance procedure (if the original decision was a formal warning)
 - ii. formal warning in accordance with the school's managing attendance procedure (if the original decision was a final warning)
 - iii. final warning in accordance with the school's managing attendance procedure (if the original decision was dismissal)
 - iv. redeployment to another post,

The above list is not exhaustive.

The Panel shall give its decision in the presence of both parties and the HR representative, and any party may seek clarification of this decision.

The decision of the Panel will be notified to both parties in writing within 5 working days of the appeal hearing (Letter MA-010). If it is not possible to respond within this timescale the employee should be given an explanation for the delay and when a response can be expected.

The decision of the Panel is final.





