



Managing Sickness Absence Policy

Document Control

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Definitions

- Where the word 'Trust' is used in this document it refers to The Elliot Foundation Academies Trust.
- Where the word 'Governing Body' is used it refers to the Local Governing Body of an individual academy within the Trust.
- Where appropriate the Local Governing Bodies of individual academies will publish details of the procedures and practices to implement Trust policies.

Related Policies and Procedures

- Special Leave of Absence Policy
- Family Friendly Policy
- Conditions of Service for School Teachers (the Burgundy Book)
- National Agreement on Pay and Conditions of Service (the Green Book)

Elliot Foundation Academies Trust Mission, Vision and Values

Mission

The Elliot Foundation was created as a safe place for children and staff where all are nurtured to achieve beyond even their own expectations. Our motto, "Where children believe they can because teachers know they can" reflects our conviction that raising expectations for all children and staff is at the heart of a successful and inclusive society.

Vision

For children

We help children to discover themselves and aspire beyond any limitations that their context might appear to place upon them. We help them understand that they can be, 'Heroes of their own lives' building the foundations for healthy and successful lives.

For schools

In addition to the essential functional skills of reading, writing and mathematics, children need to learn how to learn and to believe that they can continue to do so. They must also possess the critical thinking skills to sift fact from fiction to be able to think for themselves, freely and creatively.

For success

To thrive, whatever their chosen path, children need confidence, curiosity and commitment. We will nurture these attitudes across all their learning experiences

For communities

Children at Elliot schools will be raised with an awareness of the world around them and their role in shaping a better future through volunteering and contributing in their communities.

Values

1. Put children first

- a. We trust and value your professionalism
- b. We share the responsibility for the learning and welfare of all of our children
- c. Our purpose is to improve the lives of children

2. Be safe

- a. Don't assume that someone else will do it
- b. Look after yourself, your colleagues and all children
- c. We are all responsible for each other's safety and well being
- d. Discuss any concerns with an appropriate member of staff

3. Be kind and respect all

- a. People are allowed to be different, as are you
- b. Kindness creates the positive environment we all need to flourish
- c. Kindness and respect should extend to ourselves as well as others

4. Be open

- a. If you can see a better way, suggest it
- b. If someone else suggests a better way to you, consider it
- c. Nurture innovators and support those who take informed risks in the interests of children

5. Forgive

- a. We all make mistakes
- b. Admit them, learn from them, and move on

6. Make a difference

- a. Making the world a better place starts with you
- b. Model the behaviour you would like to see from others

1. Policy Statement and Objectives

- 1.1. The Elliot Foundation Academies Trust recognises that a supportive approach is required when managing staff sickness absence. The Trust is also committed to promoting the health, safety and wellbeing of its entire staff and will support and assist individuals who may have health difficulties where reasonably possible.
- 1.2. The Trust recognises the benefits of a healthy workforce and values the contribution that all of our employees bring to the organisation through regular attendance. To support this the Trust has wellbeing initiatives in place available to all employees.
- 1.3. The Trust is committed to treating all employees fairly, equitably and consistently. However, we understand that each absence is unique and with this in mind all absences will be dealt with in a sensitive, fair and confidential manner. The process will be collaborative and decisions will be made based on information that is available at the time. It is also understood that there needs to be a balance between the needs of employees and the educational/operational needs of the Trust and its duty to ensure the quality of education for the children in the organisation.
- 1.4. This policy provides a framework to manage situations of staff sickness absence which is designed to be supportive. It enables an employee to have the opportunity to discuss their situation and provide any relevant information before any decisions are made. Through effective management and cooperation the Trust will ensure that appropriate support is identified for the employee and service levels/educational needs are maintained.

2. Scope and Principles

- 2.1. This policy applies to all staff employed by the Elliot Foundation Academies Trust.
- 2.2. Sickness absence can vary from short intermittent periods of ill-health to a continuous period of long term absence and can have a number of different causes. This policy relates to both short term and long term sickness absence.
- 2.3. **Short term** is defined where employees are absent in short, sometimes intermittent periods of time.

Long term is defined as an absence from work of 4 weeks or more.
- 2.4. The Trust will provide reasonable appropriate support to staff to facilitate a prompt return to work following a period of sickness absence. This may include a phased return, support via the Trust's Employee Assistance Programme (EAP), engagement with the Trust's occupational health advisor, reasonable adjustments and in some cases redeployment.

- 2.5. The Trust will work with Executive Principals/Principals/line managers and offer training/coaching to support them in managing sickness absence appropriately within academies and Trust departments.

3. Responsibilities

3.1. Employee Responsibilities

Employee Responsibilities
Have an understanding of this Managing Sickness Absence Policy.
Attend work regularly unless unfit to do so.
Report non attendance at work in accordance with individual Trust/school/academy local procedure.
Not engage in any activity or conduct that may hinder their recovery and prompt return to work.
Maintain regular contact with their Executive Principal/Principal/line manager for the duration of sickness absence period as appropriate.
Co-operate with the Trust's occupational health service if their manager refers them or seeks advice from the service.
Complete self certification/return to work forms (see Appendix 1) following a period of absence.
Inform their line manager of any impairment or work related sickness/medical condition which may be having an effect on how they carry out their duties or their continued regular attendance at work.
Provide the necessary GP Fit Notes as required throughout the period of absence. Discuss any advice given by their GP within the Statement of Fitness for Work with their Executive Principal/Principal/line manager.
Engage with meetings as appropriate in accordance with the Managing Sickness Absence Policy.
Take all reasonable steps to cooperate with any recommendations/targets which are set as part of absence meetings held in accordance with this policy.
Consider support mechanisms that are already in place in the Trust and make use of them where appropriate, such as EAP and occupational health.

3.2. Executive Principal/Principal/Line Manager Responsibilities

Executive Principal/Principal/Line Manager Responsibilities
Have an understanding of this Managing Sickness Absence Policy and its application and engage appropriately with training provided by the Trust in this regard.
Communicate the Managing Sickness Absence Policy to employees and the responsibilities of both employees and Executive Principal/Principal/line managers as part of their induction process and at appropriate levels afterwards on a regular basis.
Be aware of their responsibilities under the Equality Act 2010, in particular relating to reasonable adjustments.
Consult with the relevant HR representative to obtain support on how to manage individual cases. It is particularly advisable to speak to the HR representative regarding any referral to occupational health prior to its submission.
Intervene at an early stage to actively support a member of staff showing signs of ill health, to offer support, prevent deterioration in their health and a long-term absence.
Maintain regular contact with employees as appropriate for the duration of their sickness absence. This may include home visits where appropriate.
Ensure that an informal 'Return to Work' meeting is conducted after every sickness absence, this will ensure that appropriate support is provided in a timely manner.
Ensure Absence Review Meetings are arranged and carried out in accordance with this policy, see paragraph 4.2 & 4.3.
Consider and take appropriate action in relation to individual absence levels and patterns that cause concern.
Consider the use of the Trust's occupational health advisors and services via the Trust's EAP (such as counselling) and other support organisations such as Access to Work (employee led).
Make a referral to occupational health advisors in appropriate circumstances to obtain medical advice relating to the employee's ongoing health and seek to identify support that can be offered.
Consider and discuss with the employee any advice on the GP Statement of Fitness for Work or contained within an occupational health report carefully and seek to agree how the recommendations may be implemented (if they can be accommodated).
Ensure all sickness absence is recorded promptly in accordance with local procedures in which absence is reported and record it on the Trust's payroll system to ensure accurate sick pay payments are made.
Attend any relevant meetings as appropriate in accordance with this policy.

- 3.3. The Human Resources team may be consulted (Executive Principals/ Principals and line managers are encouraged to do so) at any time in relation to sickness absence and will provide advice and guidance to Executive Principals/Principals and line managers in relation to:
- Managing both short and long term sickness absence
 - The Managing Sickness Absence Policy and best practice relating to supporting employee health and well-being
 - Specific legislation such as the Equality Act and other statutory legislation
 - Consideration of the recommendations provided in the Statement of Fitness for Work
 - Occupational health referrals and once in receipt of the report the consideration of any advice provided and any reasonable adjustments suggested
 - Meetings in accordance with the policy
 - Monitoring the implementation of this policy and advising managers on implementation to encourage fair management of sickness absence across the Trust
- 3.4. The HR Team will also provide support with attendance at meetings in accordance with this policy where appropriate.
- 3.5. The Trust will engage with appropriate occupational health providers to seek medical advice to assist Executive Principals/Principals/line managers and the HR Team in managing health related matters and understanding how medical issues affect an employee's ability to undertake their role.
- 3.6. Advice and guidance provided by occupational health will likely relate to the recommended support for an employee in relation to ongoing sickness absence, to facilitate a return to work following sickness absence or relating to general health matters which may be having an impact on the employee's work.
- 3.7. Additional advice can be sought by managers through occupational health where there are concerns about a GP's proposals regarding fitness for work as set out in the Statement of Fitness for Work.
- 3.8. The occupational health provider will fulfil the role of 'Independent Occupational Health Physician' in consideration of ill health retirement cases.

- 3.9. The Employee Assistance Programme (EAP) provides free confidential care and support to employees, for a range of issues that are not just related to the workplace. This includes the provision of counselling and information services.
- 3.10. In all cases of absence due to psychological conditions, Executive Principals/Principals/line managers will remind employees of EAP support services and the route to make contact. It may also be appropriate in some cases for management to make a referral to EAP on behalf of the employee, this will be considered on a case by case basis and only once discussed and agreed with the employee beforehand.
- 3.11. The Trust acknowledges that periods of absence particularly long term absence, can lead to anxiety about health, returning to work and finances. Therefore, it will often be appropriate to bring the EAP service to the employee's attention even when the absence is not related to mental health, and this will be done throughout the absence process.
- 3.12. In cases of absence related to allegations of workplace bullying and harassment the employee should be reminded of the EAP service and the route to make contact by Executive Principal/Principals/line managers who are supporting the absence process.

4. Sickness Absence Reviews

- 4.1. Short term sickness absence is defined where employees are absent in short, sometimes intermittent periods of time, this may consist of odd days or short periods for minor unconnected ailments and where there appears to be no underlying medical reason.
- 4.2. The Trust will arrange an Absence Review Meeting to review an employee's short term absence when there has been:
- 3 periods of absence in any rolling 6 month period, or,
 - 8 days sickness absence in any rolling 12 month period*, or,
 - Unacceptable recognisable patterns of absence that cause concern, e.g. frequent absence on specific days of the week, time of the year or days linked to bank holidays or just after/before annual leave.

*Part time staff or staff working compressed hours should have the absence levels above pro-rata'd following the principles of the table overleaf.

Days worked per week	Short term absences
5 days	8 days
4 days	7 days
3 days	5 days
2 days	3 days
1 day or fewer	2 days

4.3. Long term absence is defined as an absence from work of 4 weeks or more. It can include a period of absence which extends over a period of 20 working* days or more or where there is no identifiable date of return.

*This refers to full time employees. For part time employees the equivalent measure of 4 calendar weeks should be applied.

4.4. The Trust considers that cases of 'Long Term Absence' should be managed sensitively. However when deciding what action is appropriate in these circumstances, a balance will be sought between the needs of the Trust/academy and those of the employee concerned. Each case will be treated supportively and on an individual basis.

5. Reporting Sickness Absence

5.1. Employees who become unwell or injured whilst they are at work should report this to the Executive Principal/Principal/line manager immediately. Arrangements will be made where necessary for those individuals who need medical treatment.

5.2. Where the sickness absence continues beyond the first day, the employee should continue to contact his/her Executive Principal/Principal/line manager in accordance with local procedure to provide an update until such time that a medical certificate is provided (Statement of Fitness for Work), unless alternative arrangements for contact relative to the circumstances are agreed at the outset.

5.3. For absences of up to 7 calendar days employees can 'self certify' their absence and should use a form such as the example at **Appendix 1** to do so.

- 5.4. For sickness absence of more than 7 calendar days, the employee must obtain a certificate from their doctor (a 'Statement of Fitness for Work') stating that they are not fit for work and the reason(s) why. This should be forwarded to the employee's Executive Principal/Principal/line manager as soon as possible. If the employee's absence continues then further certificates must be provided to cover the whole period of absence. Fit notes should normally be received by the Trust/academy within 3 working days of the expiry of the previous note. A failure to provide a certificate may mean that sick pay will be withheld and the absence recorded as unauthorised.
- 5.5. If the employee's doctor provides a certificate stating that they "may be fit for work" then they should inform their Executive Principal/Principal/line manager immediately. Both parties should then discuss any additional measures that may be needed to support/facilitate a return to work, taking into account medical advice provided by the GP. This discussion may take place as part of a 'Return to Work Meeting' or an 'Absence Review Meeting'. If it is not possible for the Executive Principal/Principal/line manager to provide the necessary support/reasonable adjustments that have been recommended by the GP, an explanation will be provided and the statement should be used as if the GP had advised "not fit for work". It may be necessary for the employee to consult further with their GP and obtain further advice based on the discussion that has taken place. It may also be appropriate to seek further advice from the Trust's occupational health advisors and in those circumstances a referral will be made.
- 5.6. If employees are sick on a public or bank holiday, they will not qualify for time off in lieu at a later date. If employees who are employed on a 52 week contract are sick whilst taking pre-booked annual leave, the absence will be classified as sickness, subject to the following criteria:
- Executive Principals/Principals/line managers must be informed at the time of sickness (as per local procedure) and not after the period of annual leave; and
 - a doctor's medical certificate must be produced regardless of the length of the absence. Any charge applied in these circumstances by the GP to provide a medical certificate will be covered by the Trust/academy.

- 5.7. Executive Principals/Principals/line managers should ensure:
- Any sickness absence that is notified to them is recorded in accordance with the local procedure, including on the Trust payroll system.
 - Arrangements are made where necessary to cover work and inform colleagues whilst maintaining confidentiality.
 - They agree how and the frequency of contact which should be made. The Executive Principal/Principal/line manager will maintain reasonable sensitive contact with employees for the duration of their absence from work owing to illness. This contact is intended to be constructive and supportive. Employees have a duty to provide contact details throughout their period of absence and should also remain in contact.
- 5.8. Cases of unauthorised absence will be dealt with under the Trust's Disciplinary Policy. Absences that have not been reported in accordance with the local sickness absence reporting procedure may be treated as 'unauthorised absence'. If the employee has not presented for work and has not reported their absence in accordance with local procedure, the Trust/academy will try to contact the employee by telephone and writing if necessary to establish the employee's welfare and the reason for non-attendance at work. In exceptional circumstances where the Trust/academy are not able to get in touch with the staff member they should consider contacting the employee's 'next of kin' to ensure the employee's safety and welfare.

6. Returning to Work

- 6.1. When employees have been absent from work due to sickness, their Executive Principal/Principal/line manager will ensure a 'Return to Work Meeting' is held with them upon their return. This should be carried out on the first day in which the employee returns, however if this is not possible it should be done within 2 working days. Please see **Appendix 2** for the form that should be used. This meeting will ordinarily be brief and should take place in a confidential area. If the employee's absence is related to stress/mental health then the form in **Appendix 3** should be used.
- 6.2. The form when completed and signed by the employee should be stored confidentially on the employee's personnel file, along with a copy of any doctor's certificates submitted by the employee. These documents may need to be referred to by the manager in ensuring the employee's ongoing health and wellbeing, and monitoring and managing any further absence.

- 6.3. A return to work discussion enables the Trust/academy to confirm details of the employee's absence, any appropriate support to be offered and if there are any further absences likely as a result of any ongoing illness. The meeting is intended to be supportive and provides the opportunity to welcome the employee back to work, update the employee with any relevant information and discuss appropriate support for the employee. During this meeting the employee will be given the opportunity to raise any concerns that they have about their return to work linked to their health, ask questions and to consider any reasonable adjustments that may be needed in the interim. If there are any other matters that the employee feels are relevant in relation to their sickness absence then these can be raised at this meeting too.
- 6.4. The Trust is committed to helping staff members to return to work from long term sickness absence. The Trust will, where appropriate and possible, support the return to work from 'long term sickness absence' by:
- Obtaining relevant medical advice (occupational health, GP).
 - Making reasonable adjustments where possible and appropriate, these may relate to the workplace, working hours and working practices.
 - Consideration of redeployment.
 - Phased return to work (normally of up to 4 - 6 week duration).
- 6.5. If the employee is not able to return to work in the longer term then the Trust should consider other options with the employee, including ill health retirement and may refer the case to a 'Contractual Review Hearing'.

7. Absence Management Procedure

- 7.1. All cases of sickness absence need to be handled in a reasonable and fair way. Prompt, supportive and consistent treatment is essential. The Trust/academy may apply this procedure in accordance with the absence levels as set out in paragraph 4.2 and 4.3 and whenever it is considered necessary.
- 7.2. Early intervention is important in sickness absence cases, therefore any concerns about the employee's health and wellbeing and/or absences should be expressed informally to the staff member at an early stage, ideally as part of a 'return to work' meeting. Employees will also have an opportunity through these meetings to raise any concerns that they may have which may be impacting their ability to attend work. Whether short term or long term sickness absence, the Executive Principal/Principal/line manager will manage employee absence levels as set out in paragraphs 4.2 and 4.3 supportively and fairly, through a series of Absence Review Meetings. However, they will need to use their discretion and consider individual circumstances to make reasonable and justified decisions relating to the content and nature of the Absence Review Meetings.

8. Stage 1: Informal Absence Review Meeting

8.1. An Informal Absence Review Meeting should be arranged once absence levels reach those set out in paragraph 4.2 and 4.3. The meeting is intended to be positive, constructive and sensitive. The purpose of the first meeting may include to:

- Discuss the employee's ill health and the reasons for absence/s
- Establish whether there are any work related factors that are contributing to the employee's absence
- Discuss any medical advice which has been provided, including where the employee is on long-term sickness absence, determining how long the absence is likely to last
- Where appropriate discuss the medical treatment that the employee is receiving and the prognosis for recovery within a reasonable length of time
- Where the employee has been absent on a number of occasions, determine whether the reasons for absence are connected and likelihood of further absences
- Establish if further medical advice is required including appropriateness of referral to occupational health
- Explore what support the Trust/academy can offer in the interim
- Consider what measures if any can be put in place by the employee and/or Trust/academy to facilitate an improvement in health and attendance (reasonable adjustments)
- Discuss the impact absence is having on the academy/Trust sensitively
- Advise employees of what standards of attendance are expected of them
- Remind employees about the Trust's Employee Assistance Programme
- Agree a way forward, action that will be taken and a timescale for review and or a further meeting under the sickness absence procedure

8.2. Employees will be given 5 working days' notice of an Absence Review Meeting. The invite letter will enclose the employee's sickness record for the previous 12 months and any other relevant documentation to be referred to at the meeting, including a copy of the Managing Sickness Absence Policy. Employees will have the right to be accompanied by a work colleague or a recognised trade union representative at an Absence Review Meeting.

8.3. Other support mechanisms that could be explored include the employee self referring themselves to 'Access to Work', however this would be dependent on individual circumstances and further guidance should be sought from the HR Team.

- 8.4. After this meeting the employee should be allowed reasonable time to show improved attendance. The monitoring period would normally be for a period of up to three months, however there may be occasions whereby a shorter or longer monitoring period will be more appropriate depending on individual circumstances, including upcoming school holiday closure periods. At the end of the monitoring period a further Absence Review Meeting will take place.
- 8.5. There are a number of possible outcomes of an Absence Review Meeting and this will be determined by individual circumstances. Some of the possible outcomes are as follows (list is not exhaustive):
- No further action is felt to necessary by either party
 - No further action but additional monitoring of the situation to be managed by the line manager informally
 - A monitoring period set with a requirement for improvement in attendance after which a further Absence Review Meeting will take place. The monitoring period will ordinarily be between 1 - 3 months, however in some situations it may be necessary to extend this
 - Reasonable adjustments implemented and or further exploration of other support available such as Access to Work
 - Referral to occupational health
 - Referral by manager or independent access by employee to EAP
 - Phased return to work agreed
 - Appropriate risk assessments undertaken
 - Consideration of ill health retirement dependent on the circumstances of the case.
- 8.6. The outcome of the meeting should be confirmed in writing to the employee within 5 working days of the meeting.
- 8.7. During any review period set as an outcome of the absence review meeting, the Executive Principal/Principal/line manager should monitor the employee's attendance in line with any target set. At the end of the review period if the requirements have been met, the Executive Principal/Principal/line manager will meet with the employee to acknowledge their improved attendance and to discuss any further ongoing support that is required to sustain their attendance.
- 8.8. If the required standard of attendance is not achieved then the Executive Principal/Principal/line manager will convene an Absence Review Meeting with the employee under the formal stages of the procedure, in accordance with paragraph 9, save for exceptional circumstances.

9. Stage 2: Formal Absence Review Meeting(s)

- 9.1. If the targets recommended at the First Stage Informal Absence Review Meeting have not been achieved or if the employee's absence is still causing a concern for the Trust/academy, a further meeting or meeting(s) may be necessary in accordance with this procedure.
- 9.2. Employees will be given 5 working days' notice of Stage 2 Formal Absence Review Meeting(s) and their right to be accompanied to the meeting as set out earlier in the policy. The invite letter will enclose the employee's sickness record for the previous 12 months and any other relevant documentation to be referred to at the meeting, including a copy of the Managing Sickness Absence Policy.
- 9.3. The purpose of formal Absence Review Meeting(s) may include to:
- Discuss any update in relation to the employee's health and the reasons for their continued absence
 - Discuss any medical advice which has been provided, including where the employee is on long-term sickness absence, determining how long the absence is likely to last
 - Where appropriate, discuss the medical treatment that the employee is receiving and the prognosis for recovery within a reasonable length of time
 - Where the employee has been absent on a number of occasions, determine whether the reasons for absence are connected and likelihood of further absences
 - Discuss the medical advice (if obtained) and consider if further advice is required
 - Consider what measures, if any, can be put in place by the employee and/or Trust/academy to facilitate an improvement in health and attendance (reasonable adjustments)
 - Discuss the impact absence is having on the Trust/academy and whether it is reasonable for the employer to continue to wait for the employee to return
 - Consider the employee's ability to return to/remain in their job in view of both capabilities and the Trusts business/educational needs, with any adjustments that can be implemented to enable them to do so
 - Explore possible redeployment opportunities (if available and appropriate) and whether any adjustments can be made to assist with that process (rarely appropriate for persistent short term absence)
 - If it is considered that the employee is unlikely to be able to return to work from long term absence, consider if there are any benefits they may be eligible for including ill health retirement, subject to the rules of the relevant pension scheme

- Advise the employee of the employment implications of their absence and that if there is not sustained significant improvement, further meetings or a referral to a Contractual Review Hearing will take place, whereby their continued employment will be considered
 - Remind the employee about the Trust's Employee Assistance Programme
- 9.4. There is no set number of Formal Absence Review Meetings that should be held under Stage 2 of the formal process. This will be determined by individual circumstances. However if after a suitable period of time it is shown that the employee is unable to attend work or maintain a satisfactory level of attendance, and occupational health advice has been sought if necessary, the employee may be referred to a Contractual Review Hearing during which their continued employment with the Trust will be considered.
- 9.5. There are a number of possible outcomes of a Formal Absence Review Meeting and this will be determined by individual circumstances. Some of the possible outcomes are as follows (list is not exhaustive):
- No further action but with additional monitoring of the situation to be managed by the line manager informally
 - A monitoring period set with a requirement for improvement in attendance after which a further Formal Absence Review Meeting will take place. The monitoring period will ordinarily be between 1 - 3 months, however in some situations it may be necessary to extend this
 - Reasonable adjustments implemented and or further exploration of other support available such as Access to Work
 - Referral to Occupational Health
 - Referral by manager or independent access by employee to EAP
 - Phased return to work agreed
 - Appropriate risk assessments undertaken
 - Decision to progress to Contractual Review Meeting
 - Consideration of ill health retirement.
- 9.6. The outcome of the meeting should be confirmed in writing to the employee within 5 working days of the meeting.
- 9.7. At the end of the monitoring period if the employee's attendance at work has improved to a satisfactory standard, the formal process will conclude. This will be confirmed in writing, along with the requirement for satisfactory attendance to be sustained in accordance with paragraph 4.2 and that failure to do so may result in a further Stage 2 Formal Absence Meeting being convened.
- 9.8. At the end of the monitoring period, if there has been no sustained improvement in attendance levels or a return to work, the Trust/academy will

consider recommending that the case be referred to a Contractual Review Hearing as outlined above.

- 9.9. In some circumstances prior to proceeding to Stage 3, Formal Contractual Review Hearing (Ill Health Capability) it will be necessary for the Executive Principal/Principal/line manager to refer the employee to occupational health advisors in order to obtain up to date medical advice for consideration.

10. Stage 3: Formal Contractual Review Hearing (Ill Health Capability)

- 10.1. The absences of employees whose health affects their capability to carry out their work generally fall into the following categories:
- Long term absence/ill health
 - Frequent short absences
 - Situations where an employee continues to attend work, but for health reasons is incapable of carrying out his/her duties satisfactorily
- 10.2. Where an employee's attendance record or ability to perform their role due to ill health does not improve sufficiently during the previous informal and formal stages of the procedure, there may be a need to progress the matter to a 'Contractual Review Hearing'. By this stage it is expected that the employee will have been given every opportunity to improve and sustain their attendance to an acceptable level or return to work and appropriate support given. If all efforts to support this process have been explored along with relevant medical advice obtained (if required, see 9.9) and there has been no improvement to an acceptable standard or a sustained return to work, the Trust/academy has a duty to consider termination of the contract of employment on the grounds that the employee is unable to meet their contractual obligations to work.
- 10.3. The employee will be given 5 working days' notice of a Contractual Review Hearing and advised of their right to be accompanied by a recognised trade union representative or work place colleague. Accompanying the invite letter will be any relevant documentation that will be considered at the hearing to enable the employee sufficient time to prepare.
- 10.4. A postponement may be granted if the employee or their representative is unable to attend on the proposed date. A postponement should not be for more than 5 working days after the original date proposed, however, an extension to this time limit can be made by mutual agreement subject to individual circumstances. Where a hearing is rearranged and the employee is unable to attend a second time, the hearing will normally convene, as arranged, and a decision taken in the employee's absence.

- 10.5. Employees are encouraged to attend formal meetings where possible and to engage with the support of their trade union where applicable. Ideally the employee should be present at a Contractual Review Hearing and be given the opportunity to make representations (in person, by a representative or in writing) however if the employee is unable to attend a trade union representative or work place colleague may attend on their behalf.
- 10.6. The Chair of the meeting will be supported by a representative from the Trust's HR Team.
- 10.7. The meeting will be conducted in a sensitive manner and one which is appropriate to the circumstances.
- 10.8. The purposes of the meeting will be:
- To review the meetings that have taken place and any measures that have been put in place to support along with those discussions with the employee
 - If the employee remains on long-term sickness absence, to consider whether there have been any changes since the last meeting relating to a possible return to work or opportunities for a return or redeployment;
 - To consider whether ill health retirement has been considered and/or explored as appropriate
 - To provide the employee with the opportunity to discuss or raise any further matters for consideration;
 - To consider whether there is a reasonable likelihood of the employee returning to work or achieving and sustaining the required level of attendance within a reasonable amount of time; and
 - To consider the possible termination of employment.
- 10.9. Possible outcomes at a Contractual Review Hearing:
- A decision to take no further action
 - An offer to make further adjustments and to extend the monitoring period in order to seek improvement, with a reconvened meeting to be arranged at a later date
 - Redeployment with the employee's agreement if a suitable role is available
 - A decision to dismiss the employee.
- 10.10. Before recommending or taking a decision to dismiss an employee on the grounds of capability due to ill health, the following will be considered:
- whether there is a prospect of the employee returning to work in the foreseeable future. If not, the reasonableness of continuing to wait for the employee's attendance record to improve. When considering this fact, the Trust/academy will take the educational/service impact into account, in the context of the role that the individual fulfills along with the need to be fair and reasonable

- Whether the Trust/academy considered/offered alternative employment or alternative working arrangements to enable the employee's attendance or ability to perform their role satisfactorily to improve
- The Trust/academy needs to ensure that it is compliant with statutory regulation and in particular the Equality Act 2010. Whether all reasonable adaptations for the job or environment have been considered and implemented as appropriate
- Whether the employee throughout this process has been advised and consulted about their position and prospects in light of the Trust's/academy's interests and needs. Also whether the employee has been informed that if improvement in attendance is not achieved that a possible outcome could be dismissal
- Whether relevant medical advice from a GP on the Statement for Fitness for Work has been considered, if applicable
- Whether advice has been sought from the Trust's/academy's occupational health provider or from an independent medical source about the employee's condition and future employment prospects
- Whether ill health retirement been explored
- Whether the Trust's/academy's procedures under this policy have been followed.

10.11. The outcome of the meeting should be confirmed in writing to the employee within 5 working days of the meeting. If the outcome of the Hearing is dismissal, the employee will be advised of their right to appeal.

11. Appeal Against Dismissal

11.1. Employees have the right to appeal against a dismissal to a Staff Dismissal Appeal Panel. Appeals must be submitted in writing within 15 working days of the date of the letter confirming the decision to dismiss.

11.2. The appeal should be raised based on one or more of the following reasons:

- Process irregularity;
- Those conducting the hearing took into account irrelevant evidence;
- Those conducting the hearing failed to take into account relevant evidence;
- The decision to dismiss was too severe given the circumstances of the case; and/or
- New evidence has come to light which the parties were not aware of at the time of the hearing.

11.3. The employee should clearly state the specific grounds for their appeal when submitting the appeal.

11.4. The appeal will be heard by a relevant appeal panel (see paragraph 19) which will be supported by a representative from the Trust's HR Team.

- 11.5. An Appeal Hearing will be convened as soon as possible following receipt of the employee's appeal. The employee will be given 5 working days notice of the hearing (unless otherwise agreed between the parties) and may be accompanied by a recognised trade union representative or workplace colleague. If the employee or their trade union representative is unable to attend this hearing for a valid reason, a new date will be agreed within 5 working days.
- 11.6. The employee will present their case and any evidence that is directly relevant to the grounds of the appeal.
- 11.7. The chair of the 'Contractual Review Hearing' will attend the hearing in order to present the Trust's/academy's response to the appeal.
- 11.8. Where possible, once a decision is reached at the appeal hearing, the employee will be given verbal notification of the decision and the reasons at the conclusion of the hearing. This will then be confirmed in writing within 5 working days of the hearing.
- 11.9. The appeal hearing may confirm or overturn the original decision or may recommend some alternative action. The decision of the appeal hearing is final.

12. Equality Act 2010 and Sickness Absence

- 12.1. Disabled employees are protected by the Equality Act 2010. The Equality Act 2010 requires employers to make reasonable adjustments to disabled employees' working arrangements or conditions to ensure that they are not treated less favourably than other employees.
- 12.2. The Equality Act defines a disabled person as a person with:
"A physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day to day activities".
- 12.3. The definition is intended to cover all forms of physical and mental disability, including sensory impairment, learning disability and mental illness (that are clinically well-recognised conditions). It includes people who have a disability where the condition is likely to last longer than 12 months or is likely to recur. Progressive conditions such as multiple sclerosis, cancer or HIV will be covered by the Equality Act 2010 from the point of diagnosis.

- 12.4. Disabilities are not always obvious. If employees consider that they are affected by a disability or a medical condition which affects their ability to undertake their work they should inform their Executive Principal/Principal/line manager as soon as possible. If staff members prefer they can also arrange to have a discussion with a member of the HR Team.
- 12.5. Certain conditions that are excluded from the Equality Act 2010 include addictions (except where they originally resulted from medically prescribed drugs or treatment), some mental health conditions such as a tendency to set fires, steal or physically or sexually abuse others, a compulsion towards exhibitionism or voyeurism, hay fever (unless it aggravates another condition) and tattoos and body piercings are not seen as severe disfigurements affecting a person's ability to undertake their day to day activities. Despite these conditions being excluded, the Trust where possible will seek to provide employees with appropriate support.
- 12.6. The Equality Act places a duty on the Trust/academy to do all it reasonably can to establish whether an employee has a disability and to make reasonable adjustments where possible to overcome the impact of the disability (or potential disability) on their employment.

13. Stress/Mental Health

- 13.1. Where it is identified that mental health problems are the cause of an employee's absence Executive Principals/Principals/line managers should consider:
- Completing an individual stress risk assessment. This will identify any potential/actual workplace stressors and identify control measures which should be implemented to reduce the effects of stressors and support the employee
 - Making a referral to the Trust's occupational health advisors
 - Advising the employee to seek support directly from their GP
 - Signposting the employee to the Trust's EAP service
 - Signposting the employee to their trade union representative if applicable.

14. Ill Health Retirement

- 14.1. A physician from the Trust's/academy's occupational health provider may be asked to provide an opinion about whether or not an individual meets the criteria for ill health retirement under the relevant pension scheme.
- 14.2. There may however be employees who are on prolonged sick leave with no prospect of returning to work within a foreseeable date but who do not meet the criterion of permanent incapacity.

- 14.3. Local Government Pension Scheme (LGPS) - The LGPS provides for a multi-tier system in relation to ill-health.
- 14.4. Teachers' Pension Scheme (TPS) - Teachers' Pensions medical advisors will assess a member's application and make a recommendation on whether to grant ill-health benefits. The TPS provides two levels of ill-health retirement benefits that may be paid.
- 14.5. Unlike the LGPS, the provisions of the TPS are such that it is the employee who initiates the application. This should however be a 'last resort'. An assessment by occupational health is required by the TPS to collate evidence for an ill health retirement application where possible.
- 14.6. If ill health retirement is supported by the relevant medical practitioner and the employee wishes to proceed with this process, written confirmation will be provided to the employee by the employer.

15. Keeping in Contact during periods of Sickness Absence

- 15.1. here are some fundamental principles that Executive Principals/ Principals/line managers should follow when an employee's absence is 'ongoing' bearing in mind that the overall aim is to support the employee to secure an eventual successful and sustained return to the workplace:
- Contact should be maintained during the period of absence, keeping the employee informed of changes that are occurring within the workplace as appropriate. This could be by letter, email, telephone or home visits. A balance needs to be maintained between genuine and necessary enquiries and updates and unnecessary contacts that do not aid recovery to full health
 - A written record should be made and maintained of all discussions that are held with the employee
 - The employee has an obligation to keep in regular contact with the Trust/academy to inform their line manager of their progress and to provide continuing medical certification
 - After a period of time (this will depend on the case, but 4 weeks as a general guide) the manager should arrange for an Informal Absence Review Meeting to take place with the employee in a mutually agreed location. The purpose of this meeting is to be supportive and will enable the manager to ascertain the relevant facts relating to the period of sickness absence. In addition to this, consideration will be given to support/action that needs to be taken, whether the employee expects to return to work or remain on sick leave.
 - An occupational health referral should be considered at the earliest appropriate opportunity.

- 15.2. If it is not appropriate for the employee to be contacted directly (in exceptional circumstances) the Trust/academy may liaise with a chosen representative; a member of the employee's family or trade union representative providing that the employee has provided their written consent and subject to individual circumstances of the case.
- 15.3. Any concerns the employee has whilst absent from work for sickness reasons, whether about the reason for their absence, their ability to return to work, or otherwise should be discussed with an appropriate member of staff which will usually be their Executive Principal/Principal/line manager.

16. Phased Return to Work and Pay

- 16.1. In order to facilitate and support an employee's return to work a 'phased return' may be offered where appropriate during the period of adjustment, usually for a maximum of 4 - 6 weeks before returning to normal working hours and duties. This will be considered based on individual circumstances and it is recommended that relevant medical advice is sought in relation to the appropriateness and suitable arrangements for a phased return to work before embarking on this. The medical advice may be from either a GP, specialist or occupational health.
- 16.2. Employees will receive their normal contractual pay during the 4-6 week period of adjustment. Where the phased return is agreed at the outset to be for a period of longer duration than 4-6 weeks, or is subsequently extended beyond the 4-6 week period by agreement or on the basis of medical advice, pay will ordinarily be reduced in line with the actual hours worked unless this is a lower rate of pay than the residual sick pay entitlement, in which case the higher rate will be applied.
- 16.3. Prior to the employee's return to work the Executive Principal/Principal/line manager should meet with the employee to discuss their return. This discussion should include any GP comments on the Statement of Fitness for Work, any proposed phased return to work and any occupational health advice if obtained. This will provide an opportunity to consider the needs of the employee during the return to work and any period of adjustment, the practical arrangements required and the impact on the organisation.
- 16.4. Employees will be provided with the details of any period of adjustment in writing from their Executive Principal/Principal/line manager. This may also be covered in an Absence Review Meeting outcome letter if the agreements are made at that meeting.

- 16.5. During the period of adjustment it is recommended that the employee's Executive Principal/Principal/line manager meets with the individual to review how the arrangements are working and to establish if any further adjustments are necessary. A record of these meetings should be retained and may be referred to in the future as part of the absence management process.

17. Suspension of Sick Pay

- 17.1. There may be certain circumstances whereby the Trust/academy reserves the right to suspend sick pay if the employee abuses the sickness scheme or has sickness absence on the account of:
- Deliberate conduct that will affect the employee's recovery
 - The employee's own misconduct or neglect
 - Failing to provide appropriate medical certification for the period of absence without good cause
 - Failing to notify their absence as required in accordance with 'local' procedure requirements, without good cause.
- 17.2. The Trust/academy will notify the employee in writing of the grounds of the suspension of sick pay and provide any relevant evidence supporting this decision and the employee will have the right of appeal.
- 17.3. Certain occasions of abuse and/or repeated abuse of the sickness scheme will be considered a 'conduct' matter which will be dealt with in accordance with the Trust's Disciplinary Policy.

18. Maternity Sickness Related Absence

- 18.1. When an employee is absent from work for pregnancy related reasons during the 4 weeks prior to the expected week of childbirth (EWC), their maternity leave will start automatically. Where there is any dispute in relation to whether the absence is pregnancy related, medical evidence should be sought.
- 18.2. Where a number of days of sickness absence are directly related to an employee's pregnancy, that number of days should be discounted for the purpose of any formal action, however the absence should continue to be monitored in line with procedure and support offered. Occupational health advice may be required to establish this.
- 18.3. Ongoing risk assessments for new and expectant mothers are important in identifying hazards in the workplace that could pose a health and safety risk and inform appropriate action to remove or reduce the risk and consequently help reduce pregnancy related sickness absence.

- 18.4. Where a risk assessment or medical advice shows there to be a significant risk to mother or baby it may be necessary to adjust working conditions temporarily or to move her to another job. Where no suitable alternative employment is available, occupational health advice will be sought in relation to the appropriateness of the employee being medically suspended on full pay for the remainder of her pregnancy or until the risk has ceased.

19. Delegated Authority

Staff Category (subject to the process)	Absence Review Meeting	Contractual Review Hearing	Appeals Panel
Centrally employed staff	Line Manager	Director or CEO	Staff Dismissal Appeal Panel (3 Trust representatives)
CEO	A nominated Trustee	A second nominated Trustee	Staff Dismissal Appeal Panel (3 Trustees)
School based staff	Line Manager/ Assistant Principal/ Vice Principal/ Principal	Executive Principal/Principal/ Regional Director or Staff Contractual Review Panel of LGB and/or Trust representatives (3)*	Staff Dismissal Appeal Panel of LGB and/or Trust representatives (3)*
Executive Principals/ Principals/Heads of School	CEO/Regional Director	Staff Contractual Review Panel of LGB and/or Trust representatives (3)*	Staff Dismissal Appeal Panel of LGB and/or Trust representatives (3)*

**Panel membership may consist of governors of the Local Governing Body or Trust representatives, subject to the individual governance model of the school. TEFAT reserve the right to appoint a representative of the Board of Trustees to any panel*

Appendix 1 - Self Certification Form



Employee Self Certification Form

This form should be completed by employees on their first day back to work for all sickness absences of less than 7 days.

Name of Employee:	
Post Title:	
Absence Details	
First date of absence:	
Last day of absence:	
Date returned to work:	
Total number of working days absent:	
Who did you notify regarding your absence?	
Did you notify the Academy/Trust on the first day of your absence?	Yes/No

Reason for General Illness Absence (00) (please tick)			
<input type="checkbox"/>	Cancer	<input type="checkbox"/>	Chest & Respiratory
<input type="checkbox"/>	Cold and Flu	<input type="checkbox"/>	Contagious Diseases
<input type="checkbox"/>	Depression, Anxiety or Mental Health	<input type="checkbox"/>	Eye, Ear, Nose and Throat
<input type="checkbox"/>	Gastro Intestinal	<input type="checkbox"/>	Heart, Blood, Circulatory
<input type="checkbox"/>	Long Term Illness or Disability	<input type="checkbox"/>	Muskuloskeletal, Back and Neck
<input type="checkbox"/>	Neurological, Head or Migraine	<input type="checkbox"/>	Stress other
<input type="checkbox"/>	Stress work related		

Additional Reasons for Absence					
<input type="checkbox"/>	01	Accident (third party)	<input type="checkbox"/>	02	Accident (at work)
<input type="checkbox"/>	03	Accident (professional sport)	<input type="checkbox"/>	04	Illness due to pregnancy
<input type="checkbox"/>	05	Infectious/contagious	<input type="checkbox"/>	06	Excluded by MO infection
<input type="checkbox"/>	07	Pulmonary tuberculosis	<input type="checkbox"/>	08	Depressive illness
<input type="checkbox"/>	09	Accident (misconduct at work)	<input type="checkbox"/>		Other (please provide further detail below)

Other - additional detail	
Did you consult a doctor or other medical practitioner? <i>(If yes, what was the advice that was given?)</i>	Yes/No
Any further relevant information:	

Declaration

To the best of my knowledge the above details are a true and accurate statement and I accept that the deliberate provision of false information may lead to disciplinary action

Signed: **Date:**

Supervisor's/Line Manager's Signature

I confirm that a return to work meeting has been conducted on:(date)

Signed: **Date:**

Print Name:

Appendix 2 - Return to Work Form (Standard)



Name of employee:

Job title:

Absence start date: Absence end date:

Total number of days absent:

Reason(s) for absence:

Check List

Welcome employee back to work and provide any relevant updates	Yes/No
Asked after employee's health and discussed any necessary reasonable adjustments <i>(if adjustments are required detail below)</i>	Yes/No
If the employee has been absent for more than 7 calendar days, have they provided a GP 'statement of fitness for work'?	N/A/Yes/No
Has the employee's absence reached a level requiring an Absence Review Meeting? If yes, which one/s?: <ol style="list-style-type: none"> 1. 3 episodes of absence in any rolling 6 month period; or 2. 8 days sickness absence in any rolling 12 month period; or 3. unacceptable patterns of absence that cause concern; or 4. 4 weeks or more continued absence. 	Yes/No
If the levels of absence require an Absence Review Meeting in accordance with the policy, has this been arranged? If yes, what date has the meeting been arranged to take place	Yes/No
If the employee's absence levels have not reached those requiring an Absence Review Meeting but are more than 6 days (or equivalent) in the past 365 days, confirm that you have discussed the absence levels set out above which will require a meeting as per paragraph 4.2 of the policy	Yes/No
Is there any further help or support required by the employee: <ul style="list-style-type: none"> • Employee Assistance Programme details required & shared • Workload adjustments • Phased return to work 	Yes/No Yes/No Yes/No

<ul style="list-style-type: none"> • Occupational health referral • Access To Work (employee to initiate) • Other - please specify in 'notes section' 	Yes/No Yes/No Yes/No
Are further absences likely (is there an underlying health condition, further medical appointments) <i>Provide further detail in the 'notes section'</i>	Yes/No

Summary of Discussion - *In this section please provide a summary of your discussion and detail any specifics that have been agreed as a result of the return to work meeting.*

Form Completed by:

<i>Manager Name:</i>	<i>Signature:</i>	<i>Date:</i>
<i>Employee Name:</i>	<i>Signature:</i>	<i>Date:</i>

Employee Assistance Programme (Life & Progress) - 0800 083 3375
Outside of the UK - +44 (0) 152 623 243
Minicom - 01452 62 3227

Appendix 3 - Return to Work (Stress/Mental Health)



Name of employee:

Job title:

Absence start date: Absence end date:

Total number of days absent:

Reason(s) for absence:

Check List

Welcome employee back to work and provide any relevant updates	Yes/No
Asked after employee's health and discussed any necessary reasonable adjustments <i>(If adjustments are required detail below)</i>	Yes/No
If the employee has been absent for more than 7 calendar days, have they provided a GP 'Statement of fitness for work'?	N/A/Yes/No
What was the cause of the perceived stress?	Work Related Personal Combination
If work related provide the employee with the workplace stress survey form to complete. <i>Once complete a meeting should be arranged to discuss the content and support available. Please speak to the HR Team to seek advice.</i>	Yes/No/N/A
If personal, enquire if the employee is willing to discuss matters with you to establish if additional support is required. <i>If support is required, detail in the notes section below.</i>	Yes/No
Are there any reasonable adjustments required? <i>Please detail in notes section what they are and the time period.</i>	Yes/No
Does the employee have any health concerns which could be making it difficult to carry out their role or that may be contributing to the employee's current wellbeing?	Yes/No

<p>Has the employee's absence levels reached one of those requiring an Absence Review Meeting?</p> <p>If yes, which one/s?:</p> <ol style="list-style-type: none"> 1. 3 episodes of absence in any rolling 6 month period; or 2. 8 days sickness absence in any rolling 12 month period; or 3. unacceptable patterns of absence that cause concern; or 4. 4 weeks or more continued absence 	Yes/No
<p>If the levels of absence require an Absence Review Meeting in accordance with the policy, has this been arranged?</p> <p>If yes, what date has the meeting been arranged to take place</p>	Yes/No
<p>If the employee's absence levels have not reached those requiring an Absence Review Meeting but are more than 6 days (or equivalent) in the past 365 days, confirm that you have discussed the absence levels set out above which will require a meeting as per paragraph 4.2 of the policy</p>	Yes/No
<p>Is there any further help or support required by the employee:</p> <ul style="list-style-type: none"> ● Employee Assistance Programme details required & shared ● Workload Adjustments ● Phased Return to work ● Occupational Health referral ● Other - please specify in 'notes section' 	Yes/No Yes/No Yes/No Yes/No Yes/No
<p>Are further absences likely (is there an underlying health condition, further medical appointments)</p> <p><i>Provide further detail in the 'notes section'</i></p>	Yes/No

Summary of Discussion - *In this section please provide a summary of your discussion and detail any specifics that have been agreed as a result of the return to work meeting.*

Form Completed by:

<i>Manager Name:</i>	<i>Signature:</i>	<i>Date:</i>
<i>Employee Name:</i>	<i>Signature:</i>	<i>Date:</i>

Employee Assistance Programme (Life & Progress) - 0800 083 3375
Outside of the UK - +44 (0) 152 623 243
Minicom - 01452 62 3227