

Sickness Absence Policy

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SICKNESS ABSENCE POLICY

1. SUMMARY OF PROCEDURE

	Activity	Personnel	Timescales	Possible Outcome
	Return to work interviews	Line Manager & employee	After every absence (on day of return)	Informal attendance meeting
1	Informal Attendance Meeting	Line Manager, employee, HR	Once a trigger has been exceeded	Review Referral to OH Risk Assessment Formal review
	Review Period		Up to 6 months	
2	First Formal Review Meeting	Line Manager, employee, Union Representative, HR adviser, notetaker.	5 days written notice	Issue first or second written warning.
	Review Period		Minimum 6 weeks	
3	Second Formal Review Meeting	Head of School / Service, employee, Union Representative, HR adviser, notetaker.		Issue first, second or final warning.
	Review Period		Minimum 6 weeks	
4	Final Formal Review Meeting	Executive Head Teacher, employee, Union Representative, HR adviser, notetaker.		Dismissal.
	Review Period		Minimum 6 weeks	
5	Appeal Hearing	Panel of Governors, Union Representative, HR adviser, notetaker.	Appeal to be submitted within 5 working days. Appeal to be within 10 working days.	Reinstatement. Written warning

2. PURPOSE OF THE POLICY

2.1. Employees are appointed to their jobs on the basis that they should maintain a level of attendance that should enable them to carry out their duties and responsibilities satisfactorily. High levels of sickness absence can significantly affect how teams perform, impacting on delivery to our students.

2.2. This policy is therefore designed to:

- Give guidance and support to all employees on the arrangements that are in place to prevent ill health and manage sickness absence
- Provide a fair and consistent method of dealing with the absence of employees due to either repeated periods of short-term sickness or long term sickness
- Give employees the opportunity to improve their attendance to an acceptable standard by providing support and a means for them to be formally advised of the effects of their absence and the potential consequences for their employment should this pattern or level not improve significantly
- Ensure that every attempt is made to investigate the employee's ability to perform adequately in their post, involving Occupational Health fully, as appropriate

2.3. This policy will set out the:

- General principles that should be used for the prevention and management of sickness absence
- Procedure and documentation for recording and reporting sickness absence
- Requirements for employees to complete self-certification and/or provide medical certificates
- Criteria for reviewing short and long term absence records
- Procedure for managing long-term and high levels of sickness absence
- Rehabilitation of employees following long-term sickness absence
- Arrangements for managing absence relating to employees with disabilities

3. INTRODUCTION

3.1. LSEAT believes it is important to identify and address ill health issues in a way that balances the support of staff with the efficient running of the organisation. It recognises the joint responsibility of managers and staff in achieving this aim and in implementing this policy.

3.2. LSEAT strives to improve the quality of working life for staff. Managing sickness absence and improving sickness absence rates is an indicator of creating both a healthier and more efficient workplace. Increased absence has a detrimental effect on colleagues and can subsequently impact their own health in a negative way through increased levels of stress caused through having to adopt the workload of absent employees.

3.3. LSEAT recognises that employees will become unwell during their employment and will ensure that they are supported and assisted to return to work. However, it should be recognised that employee absence can be a significant cost to the School, as well as causing disruption to teaching and learning and adversely affecting the students.

3.4. LSEAT should ensure that it maintains an environment conducive to a healthy workforce.

3.5. When employees are ill, line managers should provide assistance, support and guidance that is sensitive, fair and appropriate and encourages them to look at ways of being supported appropriately back to work.

- 3.6. Most employees have very low levels of sickness absence and only take time off work through ill health when they are genuinely ill. We do not expect employees to work when they are unfit.
- 3.7. Occasionally employees have a long-term absence or illness. This policy is designed to provide clear guidance and support for managers and employees to ensure that these rare instances are managed well and, where possible, employees can rehabilitate quickly and return to work.
- 3.8. The policy also provides a framework for managing employees with frequent short term absences to ensure that any problems are identified and resolved at an early stage.
 - 3.8.1. This Sickness Absence policy applies to everyone employed by LSEAT, including those on Fixed Term Contracts, excluding agency workers.
 - 3.8.2. This policy is considered in conjunction with other policies and relevant employment legislation such as the Equality Act 2010.

4. CONFIDENTIALITY

- 4.1. We will only collect and use your sensitive personal information, which includes special categories of personal information, when the law allows us to.
- 4.2. Some special categories of personal information, i.e. information about your health or medical conditions, is processed so that we can perform or exercise our obligations or rights under employment law and in line with our data protection policy. Information about health or medical conditions may also be processed for the purposes of assessing the working capacity of an employee or medical diagnosis, provided this is done under the responsibility of a medical professional subject to the obligation of professional secrecy, e.g. a doctor, and again in line with our data protection policy.

5. LINE MANAGER RESPONSIBILITIES

- 5.1. Each manager is responsible for managing the absence of the staff for whom s/he is responsible and for providing support and guidance to individual members of staff.
- 5.2. The immediate supervisor or manager should see employees upon their return from each period of absence, to discuss the reasons for absence and to check on the state of their health and provide support and guidance. This is also an opportunity to review absence patterns and look at solutions to continued missed days from work.
- 5.3. Managers should be aware of the attendance records for all employees and carry out reviews of absence levels on a regular basis, which is at least once every half term.
- 5.4. Managers may seek advice from the Head of School (or Executive Head Teacher) and HR Department as appropriate and whenever an individual's attendance gives cause for concern. It is important that managers address absence concerns in a timely way in order to not negatively impact on their staff team and to avoid an "absence culture".
- 5.5. The line manager is responsible for managing the attendance of staff. This is achieved by:
 - Ensuring staff are made aware of the procedures regarding sickness absence
 - Keeping in appropriate, and agreed, contact with staff who are absent through sickness to ensure they receive support and to ease their return to work via a mutually agreed communication channel;
 - Reviewing each employee's sickness absence in accordance with the procedure set out in these guidance notes;

6. EMPLOYEE RESPONSIBILITIES

- 6.1. Individual members of staff have a responsibility to comply with the sickness absence procedures by:

- Following correct reporting procedures as outlined in the Staff Handbook.
- Providing medical certificates at the appropriate times
- Maintaining direct verbal contact with the designated person within the School
- Ensuring medical advice and treatment, where appropriate, is received as quickly as possible via their GP in order to facilitate an early return to work.
- Ensuring that they do not undertake any activity that might delay their return to good health and work.
- Carrying out other paid work while off sick, without their line manager's permission, could lead to a breach of the employment contract and disciplinary action.

7. PROCEDURE

7.1. General Sickness Absence Procedure

7.1.1. Reporting Procedure

Line Managers should ensure that employees are made aware of the sickness absence notification procedure which is in the Staff Handbook.

7.1.2. Every effort must be made to schedule Medical Appointments outside of work time. If this is not possible, you must put your request in writing to your line manager for approval which will be granted where there is no or minimal impact on the smooth running of the school.

7.1.3. Absence through illness should be notified, by phone, to the line manager or other delegated person, on the morning of absence, as per the local arrangements agreed in each school and outlined in the Staff Handbook. Sickness absence reporting via text message is not permitted, nor is this acceptable by email or via a third party except in exceptional circumstances.

7.1.4. For absences exceeding seven days a medical certificate must be submitted to the school, immediately thereafter and, if the illness continues, subsequent certificates must be submitted immediately on the expiry of the previous one. There are occasions when employees may be well enough to return to full or modified duties before their medical certificate expires. If an early return to work can be accommodated it must be with the agreement from the Line Manager and on the production of a Statement of Fitness to Work from their GP or OH. Modified duties are at the discretion of the school and always time limited in order that the employee is able to take up full duties within a reasonable timeframe. This is usually following extended absence or an operation as described in the section relating to Phased Returns.

7.1.5. A medical certificate can either be:-

[a] A Statement of Fitness to Work which will be issued by General Practitioners;

[b] A private medical certificate; or

[c] A Hospital In-Patient certificate where appropriate. A Statement of Fitness to Work is required if after discharge from hospital, the employee is still unfit for work.

7.1.6. The School records absence and monitors sickness absence. All absence from work due to short or long term sickness must be recorded. Absences such as maternity leave, carer leave or absence agreed under LSEAT's Special Leave policy, should not be recorded as sickness absence.

7.1.7. It should be emphasised that employees have the right to confidentiality regarding illness/domestic or personal issues. Those responsible for maintaining sickness records must ensure that absence certificates and information are held in a secure place.

7.1.8. On your return to work, you are to meet with your Line Manager to complete a return to work form, to discuss your reason for absence, any issues at work that you may have missed, or even to discuss any personal issues that you may be having.

7.1.9. In circumstances where employees fail to provide correct and timely certification or fail to follow the correct reporting procedure, LSEAT reserves the right to withhold contractual sick pay.

8. ACCIDENTS AT WORK

8.1. Line managers should be aware of the reporting requirements related to specific absences attributed to an accident at work.

8.2. Any accident at work must be recorded on the appropriate form and reported following the agreed systems by staff and, where appropriate, as a RIDDOR to the Health and Safety Manager of the Group.

8.3. Where absence has resulted from an accident at work, line managers should ensure that both the HR and Health & Safety Departments are notified.

8.4. Any absence directly related to a reported and logged accident at work will be excluded from the monitoring arrangements under this Policy

8.5. Any absence directly related to a reported and logged accident at work will be paid at full pay up to the maximum sickness absence entitlement for the employee, as per their conditions of service where there is no evidence that the employee could have avoided the accident. Where there are concerns over employee actions or practices which have resulted in an accident, further investigation will determine whether full pay is appropriate.

9. PARTIAL SICK DAYS

9.1. If less than a full day is worked due to sickness, the Staff Handbook clearly outlines how this is managed within each group of schools and the recording processes.

10. ROLE OF OCCUPATIONAL HEALTH

10.1. The School will sometimes require external medical advice relating to an employee's wellbeing or diagnosed condition, via an Occupational Health provider. The purpose of OH is to provide support and assistance for both the employee and the employer, enabling them to plan any reasonable adjustments, arrange a phased return or make decisions about their predicted return to work date.

10.2. Staywell are the Occupational Health providers who support the Trust and its employees by offering advice on ways to address health problems. It is not expected to take on the management role but to provide an objective assessment from a clinical perspective of any situation brought to their attention.

10.3. If a referral to OH is made for an employee, they will be notified in advance and will be accepted to attend any given appointment. Appointments and their location can be re-arranged to accommodate difficulties in attendance by employees.

10.4. If an employee has an appointment confirmed with OH, they must attend or provide adequate notice of cancellation, otherwise they will be liable for the cost of the missed appointment.

10.5. It is a requirement for all staff to attend an Occupational Health provider if referred by the School, and failure to do so may impact LSEAT's ability to support an employee and, in these circumstances, decisions may have to be made with current medical advice.

11. ANNUAL LEAVE DURING PERIODS OF LONG TERM SICKNESS

- 11.1. During a period of long term sickness, an employee on a 52 week contract, can request to take a period of annual leave whilst absent from work. All requests for annual leave must follow the normal annual leave request protocols which are in operation within the area of work. If the request is approved, the employee's sickness episode will close, they will take the period of annual leave and then either return to work at the end of the agreed annual leave or alternatively recommence their sickness absence.

12. SICKNESS WHILST ON ANNUAL LEAVE

- 12.1. If an employee is ill whilst on annual leave and they wish to reclaim their annual leave which has not been taken as a result of their illness/sickness, the employee must follow the sickness absence notification procedures as detailed in this policy. In addition, a GP certificate must be provided as evidence in this case. Where an employee works term time only or is on Teachers Terms and Conditions, any absence which extends to the last day of a full or half term must be supported by a Medical Certificate stating that the employee continues to be absent through sickness or is fit for work as these days will also count in recording processes.

13. ACCRUING ANNUAL LEAVE ON LONG TERM SICKNESS ABSENCE

- 13.1. Your entitlement to **statutory** annual leave under WTR 1998 will continue to accrue whilst you are on sick leave.
- 13.2. If sickness prevents you from taking all or some of your annual leave entitlement, it can be carried over into the next leave year.
- 13.3. Annual leave that has been accrued but not used must be taken within 18 months of the period of sickness absence ending
- 13.4. On termination of your employment where you have been on sick leave and unable to take paid annual leave, you are entitled to a payment in lieu.

14. SICK PAY ENTITLEMENTS

14.1. OCCUPATIONAL SICK PAY ENTITLEMENT

- 14.1.1. Occupational sick pay is calculated on an employee's length of service at the date the sickness absence commenced. It is calculated on a 12 month rolling basis for all staff and include School holiday periods.
- 14.1.2. The table below shows the sick pay entitlement for all substantive and zero hours staff (variable and supply) and is based on the full time equivalent. Accordingly, the entitlement illustrated will be pro-rated for part time staff, where applicable

14.2. STATUTORY SICK PAY ENTITLEMENTS

- 14.2.1. Payment of SSP is dependent on the employee satisfying the rules regarding periods of incapacity, periods of entitlement and qualifying days, as detailed in legislation <https://www.gov.uk/statutory-sick-pay>

14.3. COSMETIC PROCEDURES

- 14.3.1. Employees who choose to undergo cosmetic procedures, where there is no medical reason, must take annual leave or unpaid special leave for their absence. Any requests must be made in accordance with the Special Leave Policy.

15. MANAGEMENT OF SHORT-TERM SICKNESS ABSENCE

15.1. Short term absence is classified as anything from half a day to 4 weeks absent from the workplace. Line manager's should always seek advice and guidance from the HR team if they have any concerns around an employee's attendance or wellbeing.

15.2. TRIGGER POINTS

- An employee will be deemed to have hit a trigger point if they have any one of the following:
- More than 3 episodes of sickness absence during a rolling 12-month period (it should be noted that 2 episodes can be classified as one if they are in close proximity and for the same condition)
- More than 10 days sickness absence during a rolling 12-month period
- Sickness or absence patterns that cause managerial concern

15.3. Any long term condition covered under the Equality Act, any maternity related absence or any planned operations will be excluded from the calculations of trigger points.

16. RETURN TO WORK INTERVIEW

16.1. Irrespective of the length of absence, a return to work interview should be conducted, by the Line Manager, ideally on the employee's first day back at work or as soon as possible thereafter.

16.2. The interview should be carried out sympathetically, in private, and should be aimed at confirming the cause of the absence, indicating the School's interest in the welfare of the employee and establishing whether any support can prevent the type of absence from impacting upon the employee's continuity of attendance.

16.3. The relevant form must be completed at the time of the meeting.

17. INFORMAL ATTENDANCE MANAGEMENT PROCEDURE

17.1. Informal Attendance Meeting

17.2. If, at the return to work interview it is established that the employee has hit a trigger point, an informal attendance meeting should take place to discuss:

- The dates and reasons given for their absence/s
- There should be a full discussion with the employee who should be given the opportunity to fully explain the circumstances and underlying reasons of their absence/s e.g. Medical problems, domestic difficulties, problems with work or working relationships.
- Advice and discussion of possible options for employee
- Seeking advice from their General Practitioner.
- Referral to Occupational health.
- Referral to Counselling Services.
- Consideration should be given to whether reasonable adjustments under the Equality Act 2010 are appropriate.
- Reassurance to the employee that the purpose of the meeting is to support them to attain the required levels of attendance. However employees should be made aware of the consequences of continued absence.
- Lead to formal action, i.e. a first formal review meeting

- Confirm monitoring period and associated target to be put in place
 - If an employee does not feel that their line manager is being supportive, they can raise their concerns with their line manager's line manager or HR
- 17.3. Following this informal attendance meeting, a written summary of what has been agreed should be provided to the employee, with a copy sent to HR.
- 17.4. This form should include:
- the new agreed target for a period of 6 months
 - agree a review meeting date.
 - a copy of this procedure for their information.
- 17.5. If, following the informal attendance meeting, it is identified at a subsequent Return to Work Interview, within the review period, that the employee has reached any of the other trigger points (excluding the original trigger that instigated the monitoring period) the HR Department will instigate the Formal stage of the Procedure.

18. FORMAL ATTENDANCE MANAGEMENT PROCEDURE – SHORT TERM ABSENCE

- 18.1. If, following support and advice, an employee continues to exceed the triggers of short term absence, the formal procedure can be instigated.
- 18.2. The employee should receive written notification about the date of the meeting and their right to representation, normally providing 5 working days' notice.
- 18.3. Employees will be advised, in writing, that where a scheduled formal meeting is not convened due to the employee's absence because of ill health, a referral to Occupational Health may be made to clarify whether the employee is fit to attend the meeting.
- 18.4. If the formal meeting is cancelled due to the non-attendance or failure of the employee to attend, more than once or without good reason, the meeting will subsequently be conducted in the absence of the employee.
- 18.5. The purpose of the hearing is to consider:
- The employee's sickness record / absence from work.
 - The reasons why the employee has failed to meet the required levels of attendance.
 - The action to be taken to achieve an acceptable standard of attendance.
- 18.6. The line manager may consider the employee's sickness pattern over time in order to reach a measured judgement about the appropriate action to be taken. Consideration will also be given to the context of any absence.
- 18.7. Regardless of whether or not a warning is to be issued, the chair can also consider the following actions during the hearing;
- Referral to Occupational Health
 - Reasonable adjustments
 - If the cause of the absence appears to be work related the manager should consider the possibility of alternative work arrangements.
 - Undertake Risk Assessment.
- 18.8. The employee will be informed of the new attendance target.
- 18.9. The line manager will confirm the outcome of the formal meeting in writing, including the agreed actions. If it is appropriate to issue a written warning, then the employee should have this confirmed in writing, usually within 10 working days of the meeting decision.

18.10. The outcome letter must include:

- The level/ periods of sickness absence.
- Reason for the actions together with a summary of the facts on which the sanction is being based.
- A statement of what is expected of the employee in the future.
- Confirmation that this will be retained on the employee's personal file. The type of warning will be specified as will any time limit given for improvement or review.
- In the case of a review, this will be a continuous process undertaken throughout the period.
- Notice that further unsatisfactory attendance levels are likely to result in further action / higher level of sanction.
- A statement of the employee's right and method of appeal.

18.11. The following limits will prevail in respect of the different types of sanction:

- A First written warning will remain "live" for a period of six months.
- A Second written warning will remain "live" for a period of nine months.
- A Final written warning will remain "live" or a period of twelve months from the date of the letter of the warning.

18.12. Where a sanction is imposed, monitoring will continue until the date it expires.

18.13. FIRST FORMAL REVIEW MEETING

18.13.1. The first formal review meeting will normally take place if there are recurrent episodes of short term absence and no improvement has been identified.

18.13.2. The employee has the right to be accompanied at this meeting by either a workplace colleague or Union Representative

18.13.3. This meeting will be chaired by the employee's line manager and supported by HR.

18.13.4. A first written warning would be issued at this stage, with the right to appeal.

18.14. SECOND FORMAL REVIEW MEETING

18.14.1. The second formal review meeting will normally take place if, following a first formal review, there is no improvement in attendance, a minimum of 6 working weeks after the first review.

18.14.2. The employee has the right to be accompanied at this meeting by either a workplace colleague or Union Representative

18.14.3. This meeting will be chaired by the Head of School and supported by HR

18.14.4. A second or final written warning would be issued at this stage, with the right to appeal.

18.15. FINAL FORMAL REVIEW MEETING

18.15.1. The final formal review meeting will normally take place if, following a second formal review, there is no improvement in attendance, a minimum of 6 working weeks after the second review.

18.15.2. The final formal review meeting will normally take place with information received from OH.

- 18.15.3. The employee has the right to be accompanied at this meeting by either a workplace colleague or Union Representative
- 18.15.4. This meeting will be chaired by the Executive Head Teacher and supported by HR and a possible outcome is termination of employment.
- 18.15.5. The formal sanctions that could be considered during the final formal review are as follows
- Final extended written warning
 - Dismissal.
- 18.15.6. Where a decision has been taken to dismiss an employee due to the persistent unacceptable levels of sickness absence, this would be on the grounds of capability i.e. the employee is no longer capable of maintaining the required levels of attendance expected in order to undertake the full duties of the post. The facts of the dismissal must be confirmed by letter. The letter will include:
- A statement of the full reason for dismissal, together with a summary of the
 - facts leading to the decision, including overall sickness record, if applicable.
 - Full details of the relevant previous “live” cautions taken into consideration.
 - Confirmation of the employee's right and method of appeal, giving time limits for appeal and stating how and to whom the appeal may be addressed.
 - The letter concerning the decision to dismiss should be provided, if practicable, within 10 working days of the date of the hearing. The letter will be signed by the hearing manager.

19. RIGHT OF APPEAL

- 19.1. If an employee feels that a decision to dismiss them, or other action taken against them, is wrong or unjust, they may appeal in writing against the decision, within five working days, to the Chair of Governors, setting out their grounds for appeal. Appeals will be heard within 10 working days at an agreed time and place.
- 19.2. The same arrangements for notification and right to be accompanied by a Trade Union Representative or workplace colleague will apply, and, as with the other formal meetings, notes will be taken and a copy sent to the employee.
- 19.3. The employee will be informed, in writing, of the outcome of the appeal hearing within 5 working days.
- 19.4. Following an appeal, the original decision may be confirmed, revoked or replaced with a different decision. The final decision will be confirmed in writing, within a reasonable period after the appeal meeting. There will be no further right of appeal.
- 19.5. The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity of employment.

20. DISCIPLINARY POLICY AND PROCEDURE

- 20.1. The School will have the right to transfer an individual to the formal stages of the School's Disciplinary Policy and Procedure where there is:
- 1..1. More than one unauthorised absence (e.g. through failure to submit sick certificates);
 - 1..2. Repeated failure to follow the School's procedure correctly;

- 1..3. Where the School has a reasonable belief that the medical reason given for the absence is not genuine (e.g. where sickness is uncertified, where there is a pattern of absence which suggests some dishonesty, or where there is evidence that an employee may be working elsewhere).
- 1..4. Very little or no engagement between the member of staff and school managers and/or HR, despite genuine attempts to facilitate this.

21. MANAGEMENT OF LONG-TERM SICKNESS ABSENCE

- 21.1. An absence of longer than four working weeks is classified as long term absence

21.2. KEEPING IN TOUCH

- 21.2.1. Employees should keep their line manager informed of the possible length of time they may be off work due to illness, as well as submitting their statement of fitness for work from their G.P in a timely manner and covering the whole period of sickness absence.
- 21.2.2. It is also the responsibility of the manager to keep in touch with their member of staff who is absent due to ill health. The nature of this communication should take account of the employee's preferences, but should be directly with the employee, and only in certain circumstances would the regularity of contact be reduced.
- 21.2.3. Following initial contact, further contact should be made, at the latest, within two weeks of an employee becoming unwell, either by telephone or in writing.
- 21.2.4. If the sickness absence continues, subsequent, regular, contact should be pursued and at least on a fortnightly basis.
- 21.2.5. Additionally, a meeting should be convened with the employee prior to any reduction or expiry of contractual sick pay entitlement, and a letter confirming the date of the reduction will be sent to the employee by the Payroll Department.

21.3. EARLY INTERVENTION

- 21.3.1. Line managers along with HR should meet with their employees ideally between 2 and 6 weeks of the employee commencing long term sickness absence, as early intervention will improve the effectiveness of returning employees to work with the appropriate support, in a timely manner.
- 21.3.2. At these meetings managers and employees discuss and put into practice any agreed activities on the following;
 - determining the reason for sickness and prognosis for returning to work
 - have the employees any perceived (or actual) barriers to returning to work
 - (including the need for workplace adjustments)
 - are there any actions required such as;
 - Occupational Health referral (employees should be referred to Occupational Health if they are off work longer than 4 weeks or if the cause of absence is stress)
 - External Counselling

21.4. WORKPLACE ADJUSTMENTS

- 21.4.1. Workplace adjustments will normally be recommended through Occupational Health, in consultation with the HR and H&S Department, if they are considered reasonable and viable for both the employee and the School. These adjustments may be made on a temporary or a permanent basis, and regular reviews, at least every two months, should

take be undertaken to ensure they are appropriate. Workplace adjustments will be made where it is reasonable and without any negative impact on the school / service. Ultimately, the OH advice is advice provided to the school management and at their discretion as to whether it is acted upon based on the business needs of the school which will always take precedence.

21.4.2. The different types of workplace adjustments that may be considered are;

- Phased returns (please see above)
- Changing hours/work patterns
- Moving tasks to a more accessible area
- Providing alternative work
- Providing new or modifying existing equipment and tools
- Modifying work furniture
- Additional training
- Providing supervision and/or mentor

21.4.3. The above list is not exhaustive and other adjustments may be suggested by Occupational Health.

21.5. PHASED RETURNS

21.5.1. A phased return should be considered if employees have been off long term due to ill health and the phased return will support them to return to the work environment.

21.5.2. A phased return can be recommended by Occupational Health or through agreement between the line manager, the HR Department and the employee.

21.5.3. Each phased return will be designed around an individual employee with clear expectations and objectives for the employee to support them back into the workplace and to undertake the main duties of their role. The phased return should not normally exceed 4 weeks and can be less than 4 weeks, according to advice from Occupational Health and with the support of HR. In exceptional circumstances where the phased return extends beyond 4 weeks, the time in work will be at full pay and the time not in work on the relevant sick pay depending on the length of absence at this point.

21.5.4. Advice from the HR Department should be sought relating to the impact on pay for a phased return.

22. FORMAL ATTENDANCE MANAGEMENT PROCEDURE – LONG TERM ABSENCE

22.1. FIRST FORMAL REVIEW MEETING

22.1.1. The first formal review meeting will normally take place with an employee between 3 – 6 months of the commencement of the sickness absence.

22.1.2. This meeting will be chaired by the employee's Head of School / Head of Service and supported by HR

22.1.3. A first or final written warning could be issued at this stage, with the right to appeal.

22.2. FINAL FORMAL REVIEW MEETING

22.3. The final formal review meeting will normally take place when there is no likely return to work date identified, based upon information received from OH, the employee's GP and/or the employee.

22.4. This meeting will be chaired by the Executive Head Teacher and supported by HR and a possible outcome is termination of employment.

23. TERMINATION ON THE GROUNDS OF ILL HEALTH/CAPABILITY

23.1. The decision to terminate an employee's employment on the grounds of ill health/capability will be made after all other options have been considered.

23.2. This will involve consultation with the employee, obtaining medical advice and reviewing whether or not there are any other jobs the employee could reasonably undertake.

23.3. The School does not have to wait until the employee's sick pay provision has been exhausted before making the decision to terminate, however the following considerations must be made before making the decision to terminate an employee on the grounds of ill health;

- Have any adjustments been suggested / implemented?
- Is there further specialist advice/support that can be utilised?
- Has a return to work plan/date been put in place?
- Has redeployment been considered?
- What is the impact of the employee's absence on the school
- Has the employee been treated reasonably and fairly?
- Is this sustainable?

23.4. The HR Department must lead throughout this process.

23.5. Where a decision has been taken to dismiss an employee due to ongoing sickness absence, this would be on the grounds of capability i.e. the employee is no longer capable of maintaining the required levels of attendance expected in order to undertake the full duties of the post. The facts of the dismissal must be confirmed by letter. The letter will include:

- A statement of the full reason for dismissal, together with a summary of the
- facts leading to the decision, including overall sickness record, if applicable.
- Full details of any relevant previous "live" cautions taken into consideration.
- Confirmation of the employee's right and method of appeal, giving time limits for appeal and stating how and to whom the appeal may be addressed.
- The letter concerning the decision to dismiss should be provided, if practicable, within 10 working days of the date of the hearing. The letter will be signed by the hearing manager.

24. RIGHT OF APPEAL

24.1. If an employee feels that a decision to dismiss them, or other action taken against them, is wrong or unjust, they may appeal in writing against the decision, within five working days, to the Chair of Governors, setting out their grounds for appeal. Appeals will be heard within 10 working days at an agreed time and place.

24.2. The same arrangements for notification and right to be accompanied by a Trade Union Representative or workplace colleague will apply, and, as with the other formal meetings, notes will be taken and a copy sent to the employee.

24.3. The employee will be informed, in writing, of the outcome of the appeal hearing within 5 working days.

24.4. Following an appeal, the original decision may be confirmed, revoked or replaced with a different decision. The final decision will be confirmed in writing, within a reasonable period after the appeal meeting. There will be no further right of appeal.

24.5. The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity of employment.

25. ILL HEALTH RETIREMENT

25.1. If the advice given supports ill-health retirement and where an employee is superannuable, this should be pursued and further detailed advice sought from the relevant Pensions Department.

25.2. It should, however, be noted that ill-health retirement is a process which is independent of ill health/capability dismissal, and that the decision as to whether an employee should be allowed to retire on the grounds of ill health is taken by the Teachers Pensions Agency or the Local Government Pension Scheme, independently of LSEAT.