

The Auriga Academy Trust

MANAGING ATTENDANCE POLICY & PROCEDURE

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Please note that all Trust policies are reviewed annually. Should you have any queries regards this policy, note an omission or wish to propose an amendment, please email sconnor@strathmore.richmond.sch.uk.

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1. Scope

This policy applies to all employees within the Auriga Academy Trust. The purpose of the policy is to manage absence due to ill-health. Absences for reasons other than ill-health, for example domestic emergencies, dependants' leave or hospital appointments etc. are dealt with under the Special Leave Policy.

This policy includes clear procedures for the monitoring of employee absence, taking appropriate action, and encouraging the promotion of good health.

2. Policy Statement

The Trust is committed to securing good employee relations through providing for the care and welfare of employees whilst managing attendance levels. The Trust recognises that effective management of attendance will benefit all employees and contribute to the principal aim of educating the pupils in its care.

The Trust will ensure that the Managing Attendance Policy and Procedure is applied fairly and consistently. Employees who are absent due to ill health will be approached in a sensitive and caring manner with due regard to confidentiality.

Wherever possible, assistance will be offered to help sick employees regain full health. Support, counselling and rehabilitation, where possible, will be offered to employees. Special assistance will be offered wherever reasonably practicable to employees with disabilities or special needs. When employees are found to be partially/ permanently incapable of continuing with their duties due to ill health, the Trust will endeavour to offer redeployment for alternative work, subject to vacancies and suitability.

When all possible practical alternative options have been explored, the termination of service on grounds of ill health or incapability due to absence will be considered in line with this policy and the statutory dismissal procedure.

Where there is doubt about the application of any part of this policy and procedure or a particular circumstance is not addressed please contact the Trust HR Manager.

3. Roles and Responsibilities

Employee's Responsibility

The responsibility of each employee is to:

- Attend work when fit to do so.
- Report first day sickness absence in line with the relevant school's absence reporting procedures.
- Comply with attendance reporting procedures, as defined below, both during their absence and upon their return to work.
- Ensure medical advice and treatment, where appropriate, is received at the earliest time in order to facilitate a return to work.
- Keep the designated person informed of any significant developments as defined under the policy's reporting procedures.
- Complete a 'Return to Work' interview after each period of sickness absence.
- Provide the school with a Doctor's certificate if; the absence continues after 7 consecutive calendar days or if you are absent on the last or first day of a half term or holiday.

Executive Headteacher's Responsibility

- The Executive Headteacher's responsibility is to manage the attendance of employees within the school by: Acting fairly and consistently in applying the appropriate procedures as set out in this policy.
- Ensuring that accurate sickness records are maintained and absence returns are promptly completed, both for monitoring and sick pay purposes.
- Establishing clear action plans for a member of staff where it is decided that action is justified and ensuring that these are clearly communicated to that member of staff.
- Seeking advice from the Trust HR Manager as appropriate.

4. Notification and certification of sickness absence

Each school will determine who should be informed if an employee is sick and unable to attend work. This may be the Executive Headteacher, a member of the School Leadership Team, the Trust HR Manager or other designated member of staff. For the purpose of this policy this person will be defined as the designated person.

If, for reasons of confidentiality or sensitivity, an employee does not feel able to discuss details of their absence with the designated person, they may speak to an alternative member from the School Leadership Team, the Trust HR Manager, a Governor, or their trade union representative to raise the issue with the designated person on their behalf.

This procedure recognises that the schools within the Trust will have their own sickness absence reporting procedures in place and these should be clearly communicated to employees as part of their induction process. However, general principals should be adopted:

- If an employee is sick and unable to attend work, they must notify the designated person at the time stated in the absence reporting procedures.
- The designated person will establish the nature of the illness and the anticipated length of the employee's absence.
- The designated person will agree with the employee that if the absence is likely to extend beyond 3 days, what further notification would be appropriate.
- In cases where an employee's medical condition prevents them from notifying the designated person personally, they must ensure that someone else notifies on their behalf.
- Where an employee attends work then goes home sick at any time before fully completing their normal working hours, this will be counted as half a day's sickness absence.

5. Medical certification of sickness absence

Where absence extends beyond 7 calendar days, the employee must submit a medical certificate from their GP from the 8th day of absence. Where the dates of absence covered by the certificate are exceeded and the employee continues to be absent, further medical certificates must be sent within 1 week of expiry of the previous medical certificate. The medical certificate must also cover any periods of school holidays which may fall during the employee's continuous sickness absence.

Foreign medical certificates and other medical certificates will be dealt with on a case by case basis. The onus is on the employee to ensure that there are adequate details available to verify and contact the source. There is no guarantee that foreign certificates or other medical documents will be accepted.

6. Failure to notify sickness absence

If an employee fails to notify sickness absence or provide appropriate sickness certification, the designated person should seek to find out the reasons why the employee has not complied with the process.

If the designated person is satisfied with the explanation, then no action needs to be taken. However, if the designated person is not satisfied with the explanation, then disciplinary action may be taken. This could include stopping the employee's pay.

7. Return to work process

On returning to work the employee should complete Section 1 of the Return to Work Interview Form (see Appendix 1) and send it to their line manager/ designated person after their Return to Work Meeting.

As soon as possible following the employee's return to work, the line manager/ designated person/ member of the School Leadership Team will meet with the employee to complete a Return to Work Meeting (Appendix 1).

Return to Work Meetings should be held within **5 working days** of the employee's return to work.

8. General points on the return to work process

The Return to Work Meeting provides an opportunity for the line manager/ designated person to:

- Welcome the employee back to work;
- Enquire after the employee's health; give the employee an opportunity to draw attention to any particular problems, work related or not, which may affect their attendance;
- Offer appropriate help and support e.g. access to counselling, workload adjustments where appropriate;
- Update the employee on any developments at work during their absence;
- Review the employee's absence record over the 12 month rolling year period and advise the employee where they are within the procedure (identify whether the triggers have been breached);
- Review options for employees who might have been absent due to reasons associated with a disability within the meaning of the Equality Act;

Where the line manager has any doubt about the employee's fitness to resume their contractual duties, they should seek advice from Occupational Health or the Trust HR Manager.

The line manager/ designated person must sign the completed Return to Work Interview Form (Appendix 1). The employee may add additional comments and will sign to confirm that they have received a copy of the record. The signed Return to Work Interview Form must be placed on the employee's personal file.

9. Confidentiality

All sickness absence should be treated in a confidential manner with information only being shared on a need to know basis for the purposes of meeting service delivery requirements and to implement and monitor this Policy. All documentation will be kept on the employee's personal file. The information contained in these records will be disclosed to the line manager/ designated person, School Leadership Team, the Trust HR Manager, the Trust's HR provider, legal services, Occupational Health and any other nominated officers responsible for monitoring sickness absence but to no one else without the employee's express consent.

If, for reasons of confidentiality or sensitivity, an employee does not feel able to discuss details of their absence with their line manager/ designated person, they may speak to an alternative member of the School Leadership Team, the Trust HR Manager, a Governor or their trade union representative to raise the issue with the line manager/ designated person on their behalf. However, it is considered that the principal responsibility for managing the processes outlined in this document remains with the line manager/ designated person.

10. Initial attendance standards

It is recognised that setting attendance standards is important to ensure consistency and fairness in dealing with ill health and absenteeism.

10.1 Short term absence

Short term is defined as intermittent or occasional days of absence.

The initial defined levels of Short Term sickness absence that will prompt action in accordance with this procedure are as follows:

- 7 working days of sickness absence within a 12 month rolling year period

Short term absences (as defined above) will trigger an informal review meeting to be held with the line manager/ designated person to discuss the employee's attendance record (see Appendix 2).

Patterns and trends as detailed below of short-term absence of less than 7 working days should also be identified and action may also be taken in these cases:

- Sickness days before and/or after school holiday periods and booked annual leave
- Sickness days before or after weekends/ bank holidays

- Unauthorised/ unreported leave
- Sickness before or after study leave

Short term absences totalling 10 days or more within a 12 month rolling year period will automatically trigger action under Stage 1 of the Managing Health and Attendance Policy & Procedure.

10.2 Long Term absence

The defined levels of Long Term sickness absence that will prompt action in accordance with this procedure are as follows:

- A continuous period of sickness absence of 4 calendar working weeks. Only working weeks should be counted towards the defined levels of Long Term sickness absence.

Employees may be absent on a long term sickness basis for a variety of reasons, e.g. recovery from illness, injury, chronic medical conditions, surgery or because of a terminal illness. The impact of the sickness on the employee's ability to work will vary and will need to be dealt with sensitively on an individual case by case basis.

All staff who are involved with managing an employee's sickness absence should be particularly sensitive to the circumstances of individual cases when dealing with long term sickness.

In every case of long-term sickness absence, a number of factors need to be considered by the line manager/ designated person, with advice and support from the Trust HR Manager and Occupational Health, when coming to a decision on how to proceed. These include:

- The impact on the running of the School or Trust and other employees caused by the employee's continued absence.
- The nature and duration of the illness and the prospects for recovery.

It is essential that the designated person maintains contact with employees on long term sickness absence. Regular meetings should take place with the employee and advice obtained from Occupational Health on the employee's fitness to undertake their duties and attend meetings.

If an employee has been absent through sickness for 4 consecutive weeks, the line manager/ designated person should arrange a Stage 1 meeting under the Managing Health and Attendance Policy & Procedure.

In exceptional cases where the employee is not well enough to attend any meeting, the matter may be dealt with through correspondence or through the employee's representative. Alternatively, a home visit could be agreed.

For employees who are employed on a term-time only basis, sickness absences which fall in school holidays must not be counted towards the triggers for action under this policy.

11. Formal Sickness Absence Meetings

The below table details the trigger points for formal sickness absence meetings:

Stage	Trigger Point	Action
1	<p>Short Term Absence:</p> <ul style="list-style-type: none"> – A total of 10 days intermittent absence over a 12 month rolling year period. <p>Long Term Absence:</p> <ul style="list-style-type: none"> – A total of 4 consecutive calendar working weeks of absence. 	<p style="text-align: center;">Initiate a Stage 1 meeting*</p> <p>Line manager/ School Leadership Team/ Trust HR Manager</p>
2	<p>Short Term Absence:</p> <ul style="list-style-type: none"> – Failure to meet targets set at Stage 1 meeting. <p>Long Term Absence:</p> <ul style="list-style-type: none"> – If employee does not have a date to return to work at the end of the review period. Or the employee hasn't met the required targets for improvement. 	<p style="text-align: center;">Initiate a Stage 2 meeting*</p> <p>Line manager/ School Leadership Team/ Trust HR Manager</p>

3	<p>Short Term Absence:</p> <ul style="list-style-type: none"> - Failure to meet targets set at Stage 2 meeting. <p>Long Term Absence:</p> <ul style="list-style-type: none"> - If employee does not have a date to return to work at the end of the review period. 	<p style="text-align: center;">Initiate a Stage 3 meeting*</p> <p style="text-align: center;">Executive Headteacher.</p> <p>If the Executive Headteacher has been involved during Stages 1 and/or 2 a panel of 3 Governors and/or Trustees will need to hold the meeting.</p>
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11.1 Stage 1 Sickness Absence Meeting

Aims of the Meeting

For employees with short term sickness absence the Stage 1 Absence Meeting should take place within **3 working weeks** of the employee's return to work. For employees that are on long term sickness absence a Stage 1 Absence Meeting should be held as soon as it is reasonably practicable to do so. However, it is recommended that the meeting is held **no later than 3 working weeks** after the employee reaches a continuous period of absence lasting 4 working calendar weeks.

The employee will be given at least **5 working days'** written notice of the meeting. The invite letter (see Appendix 3) will state the reason for the meeting and inform the employee of their right to be accompanied by a trade union representative or a work colleague. A copy of the Managing Attendance Policy and the Procedure will be enclosed with the letter.

Stage 1 meetings should be tailored to the individual case, ensuring that all of the concerns are addressed. Notes of the meeting should be written on the Sickness Absence Meeting Notes Form (see Appendix 4). Some or all of the following may be discussed:

- To review the employee's sickness absence record and to explore any underlying medical causes for their absence, including any medical evidence e.g. outcome of referral to Occupational Health.
- Review the implications of the employee's absence on service delivery.
- To provide the employee with an opportunity to explain their sickness absence.
- Review of any medical support and any existing reasonable adjustments the employee may be receiving.
- The likelihood and timescale for the employee's sustained return to work.
- Explore any work-related problems, e.g. working relationships, workload and job content and assessing what can be done to improve such problems.
- The potential for new or further reasonable adjustments, including job modifications or work changes to support the employee's effective return to work or improved attendance, where reasonable/ feasible.
- Consideration of a referral to Occupational Health, for advice as to the fitness of the employee to carry out their duties and/or any reasonable adjustments.
- To consider services that might assist the employee such as the services available from the Employee Assistance Programme where appropriate.
- Set the fixed review period and outline the attendance standards and triggers that are applicable.

Outcome of the Meeting

At the end of the meeting a date for review will be set and in the case of short term sickness absence, targets for improvement will also be agreed.

The employee should be advised that if their sickness absence levels do not improve and targets are not met a Stage 2 Sickness Absence Meeting will be held.

For employees on long term sickness absence they should be informed that if they have not returned to work after 2 working months from the date of the Stage 1 Sickness Absence Meeting, the case will progress to Stage 2 Sickness Absence Meeting.

The outcome of the meeting, including any action to be taken will be confirmed in writing by the line manager/ designated person via the outcome letter (see Appendix 5) within **5 working days** of the

meeting.

Review Meeting

Fixed review periods must be a minimum of **12 working weeks** and commences the day after the Stage 1 Sickness Absence Meeting. During the review period an employee's attendance will be monitored against set attendance standards. If during this period, the employee breaches the triggers detailed below the matter will progress to a Stage 2 Sickness Absence Meeting.

The triggers are;

Short term sickness absence:

- 9 days or 3 periods of sickness absence within the review period, commencing the day after the Stage 1 Sickness Absence Meeting.

Long term sickness absence:

- If the employee has not returned to work after 2 working months from the date of the Stage 1 Sickness Absence Meeting.

At the end of the review period the line manager/ designated person will arrange to meet the employee informally to discuss the current situation. The purpose of this meeting is to decide whether it is necessary to progress to Stage 2 of the procedure, or whether a further period of review would be appropriate in the circumstances. This will depend on the level of improvement in attendance achieved and the likely sustainability of any improvement.

If at the review meeting the targets have been met or, for long term absence, a return to work date has been obtained, this should be confirmed in writing. Alternatively, a Stage 2 meeting should be arranged.

Once an employee has cleared the review period without any breaches, the monitoring of absences will revert to a 12 month rolling year period. This can include counting back into the fixed review period that has just ended, and include any sickness absences which may have occurred during this period. For example, if a fixed review period ended on the 31st March 2018 and the employee is off sick for 1 day on 3rd May 2018, you would count back over a 12 month rolling year period to see if they have hit the absence triggers which started from 3rd May 2018 to 4th May 2017.

If an employee on long term sickness absence returns to work during the review period, they should be informed at the Return to Work meeting that if they have a further period of absence of 4 weeks during the 12 month rolling year period, the case will proceed to a Stage 2 Sickness Absence Meeting. The 12 month rolling year period will start from the date of the employee's return to work.

If satisfactory attendance levels are maintained, there will be no further formal meetings under this procedure.

Advice should be sought from the Trust HR Manager regarding the above as necessary

11.2 Stage 2 Sickness Absence Meeting

Aims of the Meeting

If the employee breaches the attendance standards within the review period set at the Stage 1 Sickness Absence Meeting, the line manager/ designated person will arrange a Stage 2 Sickness Absence Meeting. For employees with short term sickness absence the meeting should take place within **3 working weeks** of the employee's return to work.

For employees on long term sick leave a Stage 2 Sickness Absence Meeting should be arranged as soon as it is reasonably practicable, but should not be any later than **2 working weeks** after the end of the 2 working month review period.

The employee will be given at least **5 working days'** written notice of the meeting. The invite letter (see Appendix 6) will state the reason for the meeting and inform the employee of their right to be accompanied by a trade union representative or a work colleague. A copy of the Managing Attendance Policy and the Procedure will be enclosed with the invite letter.

At the employee's request, the meeting may take place at another appropriate mutually agreed venue rather than their normal place of work. If the employee is unable to attend due to their ill health, they may ask their representative to attend on their behalf or they may wish to send in a written submission to be considered at the meeting.

Where appropriate prior to the meeting a medical update from Occupational Health should be sought.

Stage 2 meetings should be tailored to the individual case, ensuring that all of the concerns are addressed. Notes of the meeting should be written on the Sickness Absence Meeting Notes Form. The objectives of the meeting are:

- Confirm the dates and periods of sickness during the review period.
- Review the employee's sickness absence, explore any underlying causes, including any available medical evidence.
- Give the employee an opportunity to present any information regarding their sickness absence.
- To provide an opportunity to review the implications of the employee's absence on service delivery.
- Consider whether the employee should be referred to Occupational Health to seek advice about the employee's medical situation.
- Review any previous efforts made to help the employee reduce their levels of sickness absence, and to consider any further options to help reduce levels of sickness absence.
- For employees on long term sickness absence, to consider at this stage whether the employee would benefit from being redeployed to another post within the Trust.
- To consider services that might assist the employee such as the services available from the Employee Assistance Programme where appropriate.
- Set a review period and outline the attendance standards and triggers that are applicable.

Outcome of the Meeting

At the end of the meeting a review date will be agreed and in the case of short term absence further targets for improvement will also be set.

The employee should be advised that if their sickness absence levels do not improve and targets are not met a Stage 3 Sickness Absence Meeting- Contract Review Hearing will be held. The Stage 3 meeting will explore the situation and the likelihood of improved and sustained attendance, including the employee's capability to meet the requirements of their job. It should also be emphasised that this could potentially lead to their dismissal on the grounds of incapability.

For employees on long term sickness absence they should be informed that if they have not returned to work after 2 working months from the date of the Stage 2 Sickness Absence Review, the case will progress to Stage 3 Sickness Absence Meeting- Contract Review Hearing.

The outcome of the meeting, including any action to be taken will be confirmed in writing via the outcome letter (see Appendix 7) by the line manager/ designated person within **5 working days** of the meeting.

Review Meeting

Fixed review periods must be a minimum of **12 working weeks** and commences the day after the Stage 2 Sickness Absence Meeting. During the review period an employee's attendance will be monitored against set attendance standards. If during this period, the employee breaches the triggers detailed below the matter will progress to a Stage 3 Sickness Absence Meeting- Contract Review Hearing.

The triggers are;

Short term sickness absence:

- 9 days or 3 periods of sickness absence within the review period, commencing the day after the Stage 1 Sickness Absence Meeting.

Long term sickness absence:

- If the employee has not returned to work after 2 working months from the date of the Stage 2 Sickness Absence Meeting.

At the end of the review period the line manager/ designated person will arrange to meet the employee informally to discuss the current situation. The purpose of this meeting is to decide whether it is necessary to progress to Stage 3 of the procedure, or whether a further period of review would be appropriate in the circumstances. This will depend on the level of improvement in attendance achieved and the likely sustainability of any improvement. If there has been no improvement, consideration should be given to the possibility of redeploying the employee.

Redeployment needs to be considered where there is no likely return to work (to the existing post), in the foreseeable future; or in circumstances where the attendance at work continues to be unsatisfactory. This decision should take account of both medical advice and whether there is an available vacant post, where the employee can undertake the full range of duties. Consideration should include provision of reasonable training and/or appropriate reasonable adjustments.

If at the review meeting the targets have been met or, for long term absence, a return to work date has been obtained, this should be confirmed in writing. Alternatively, a Stage 3 sickness Absence Meeting- Contract Review Hearing should be arranged.

Once an employee has cleared the review period without any breaches, the monitoring of absences will revert to a 12 month rolling year period. This can include counting back into the fixed review period that has just ended, and include any sickness absences which may have occurred during this period. For example, if a fixed review period ended on the 31st March 2018 and the employee is off sick for 1 day on 3rd May 2018, you would count back over a 12 month rolling year period to see if they have hit the absence triggers which started from 3rd May 2018 to 4th May 2017.

If an employee on long term sickness absence returns to work during the review period, they should be informed at the Return to Work meeting that if they have a further period of absence of 4 weeks during the 12 month rolling year period, the case will proceed to a Stage 3 Sickness Absence Meeting- Contract Review Hearing. The 12 month rolling year period will start from the date of the employee's return to work

Advice should be sought from the Trust HR Manager regarding the above as necessary

11.3 Stage 3 Sickness Absence Meeting- Contract Review Hearing

Aims of the Meeting

If the employee breaches the attendance standards within the review period set at the Stage 2 Sickness Absence Meeting, the Executive Headteacher will arrange a Stage 3 Sickness Absence Meeting- Contract Review Hearing. For employees with short term sickness absence the meeting should take place within **4 working weeks** of the employee's return to work.

For employees on long term sick leave, Stage 3 Sickness Absence Meeting- Contract Review Hearing should be arranged as soon as it is reasonably practicable, but should not be any later than **5 working weeks** after the end of the 2 working month review period.

The purpose of the Contract Review Hearing is to consider the employee's continued employment.

A Contract Review Panel will consider the case at the hearing and the panel will consist of 3 Governors and/or Trustees. The Governors should not be staff governors and, ideally, not parent governors and who have not previously been involved in the case. If the Executive Headteacher is not suitable to be on the panel either because they have been previously involved e.g. at Stage 1 or 2 of the procedure, or could not be seen as being impartial, or for any other valid reason, another Governor and/or Trustee should replace them on the panel.

It is strongly recommended that the Trust HR Manager is also in attendance in an advisory capacity to the panel.

Prior to the Contract Review Hearing

The line manager/ designated person will prepare a report that includes:

- A chronological list of the dates and periods of sickness absence from the date that action was

first taken under the policy and the stated reasons for the sickness absences.

- A chronological list of the dates of action taken under the policy. This will include, where appropriate:
 - Records of Return to Work Meetings
 - Records of Stage 1 and Stage 2 Sickness Absence Meetings
 - Records of Stage 1 and Stage 2 Sickness Absence Review Meetings
- All available medical evidence, including a recent report from Occupational Health and, where appropriate, the outcome of any referral(s) to an independent specialist medical adviser. It is necessary to provide an up-to-date medical opinion, e.g. within the last two months.
- An assessment of the impact of the absence on the service area and colleagues.
- A summary of any previous efforts made to support and assist the employee, including any efforts made at redeployment.
- The employee's employment record and any other relevant information.

The employee will be given at least **10 working days'** written notice of the meeting. The invite letter (see Appendix 8) will state the reason for the meeting, including the report with all attachments and the employee will be informed of their right to be accompanied by a trade union representative or a work colleague. A copy of the Managing Attendance Policy and the Procedure will be enclosed with the invite letter.

At the Contract Review Hearing

The Chair of the Contract Review Hearing Panel will state the objectives of the hearing which are:

- To confirm dates and periods of sickness absence since the beginning of the process and ensure records are up to date and accurate.
- To review the employee's sickness absence record in the light of any available medical evidence which will include an Occupational Health assessment report completed within the last two months.
- To provide an opportunity for the employee to present their case.
- To review any previous efforts to assist the employee, including reasonable adjustments where the reasons for absence is due to a medical condition regarded as a disability under the Equality Act.
- Consideration of sustainability of existing adjustments to the work and/or working environment.
- The likelihood of a return to work in the foreseeable future (in the case of long term sickness absence).
- To review the type of work that the employee does and the impact of their sickness absence on service delivery and colleagues. Taking account of both operational and financial impact on the School and Trust.
- To consider the availability of alternative work, where appropriate.
- To ensure all the appropriate procedures have been followed and that any proposed action is reasonable in all the circumstances; including referrals to Occupational Health as appropriate and confirmation that the employee has been advised that if the attendance standards were not met, dismissal would be considered.

The line manager/ designated person will present the facts of the case at the hearing.

The employee or their representative will have the opportunity to respond to the information provided by the line manager/ member of the School Leadership Team.

The Contract Review Hearing Panel may ask questions of both parties and seek advice from appropriate sources prior to reaching their decision. The Contract Review Hearing Panel may consider adjournment to consider the information presented or seek further information. Where further information is provided, both sides will have the opportunity to comment.

Notes of the meeting should be written on the Stage 3 Sickness Absence Meeting Notes Form (see Appendix 9).

Outcome of the Meeting

The outcome of the Hearing will depend on the assessment by the Contract Review Hearing Panel of the facts and circumstances of the case. The Contract Review Hearing Panel may consider the following guidance in reaching a decision:

It is important for the Contract Review Hearing Panel to consider the nature of the employee's illness and the medical prognosis. The key question is whether, taking account of all the circumstances of the case, the service area can be expected to wait any longer for the employee's return to work and, if so, how much longer.

For employees with short term absence at the Stage 2 Sickness Absence Meeting, the employee would have been advised that the subsequent review period being set would be their final opportunity to improve their attendance; and that if the case was to reach the Contract Review Hearing stage, consideration will be given to dismissal. In the circumstances, it would be reasonable that where the reason for the sickness absence is not due to a condition considered to be regarded as a disability under the Equality Act, the outcome of the Contract Review Hearing would be dismissal. The reason for dismissal would normally be due to persistent levels of sickness absence which are unacceptable.

Dismissal will be considered when the employee is no longer able to carry out the main functions of their job and all options have been explored including reasonable adjustments to that job or whether an alternative job is available.

Dismissal will be with contractual notice from the date the employee is informed of the decision to dismiss if this is different from the date of the Contract Review Hearing. Employees will not be required to work during their notice period.

Where dismissal is considered, there will be a final period to explore all reasonable alternative options to dismissal. This final period will start from the date of the letter confirming the outcome of the Hearing and will be the employee's contractual notice entitlement.

As an alternative to dismissal;

Short Term Absence:

The Contract Review Hearing Panel may decide to give the employee a further and final opportunity to meet the attendance standards, if there are mitigating circumstances present. Examples of mitigating circumstances could be if the absence was due to an industrial injury or that the employee has previously had an exemplary record of attendance. In these circumstances the original triggers will apply i.e. 9 days or 3 periods within a fixed review period starting from the day after the Contract Review Hearing.

Long Term Absence:

The Contract Review Hearing Panel may decide to set a further review period in line with the medical advice and prognosis. However, this review period should be no more than 2 months from the date of Contract Review Hearing. If the employee has not returned to work within the 2 month period, a further Contract Review Hearing will take place. During the review period, the line manager/ designated person should maintain regular contact with the employee.

If the employee returns to work during the review period (within 2 months from the date of the Contract Review Hearing), long term sickness absence standards will be set which are:

- If the employee has a further period of absence of 4 weeks during the 12 month rolling year period, the case will proceed to a further Contract Review Hearing. The 12 month rolling year period will start from the date of the employee's return to work. If satisfactory attendance levels are maintained, there will be no further formal meetings under this procedure.

OR

- If the employee continues to be on sickness absence for 2 months or more from the date of the Contract Review Hearing, the line manager/ designated person should set up a further Contract Review Hearing as soon as is reasonably practicable, but should not be any later than **5 working weeks** after the end of the 2 month review period.

The outcome of the meeting, including any action to be taken will be confirmed in writing via the outcome letter (see Appendix 10) by the Chair of the Contract Review Hearing Panel within **5 working days** of the meeting.

Notice Periods

The period of notice for support staff is 1 week's pay for each year of service in the post up to a maximum of 12 weeks. The notice period starts from the date when the employee is informed that they are to be dismissed. This will invariably be at the Contract Review Hearing.

The period of notice for teachers must be as stated in the Conditions of Service for School Teachers (Burgundy Book). Notice to terminate employment must be given by the given dates (by 31st October to end employment on 31st December, by 28th February to end employment on 30th April and by 31st May to end employment on 31st August). Employees with 8 years' or more continuous local government service will be entitled to 3 months' notice.

The notice period starts from the date when the employee is informed that they are to be dismissed. This will invariably be at the Contract Review Hearing and notice pay will be paid to the end of the term in which notice to dismiss is given.

11.4 Appeal Hearing

The employee has the right to appeal against the decision to dismiss. The appeal is against the dismissal decision reached at the Contract Review Hearing and is not a re-hearing of the case. The employee can appeal on the following grounds:

- The severity of the action and/or
- The finding of the Contract Review Hearing on a point of fact and/or
- A failure to adhere to agreed procedure

Procedure to be followed prior to the Appeal

If the employee wishes to appeal, they must submit their written case statement to the Chair of Governors within **10 working days** of the date of receipt of the letter confirming the outcome of the Contract Review Hearing. The employee's case statement must clearly state the reason(s) for the appeal and any supporting information.

The Chair of the Contract Review Hearing Panel should prepare a management case statement detailing the decision taken at the Contract Review Hearing, explaining the reasons for this decision, and answering any issues that may have been raised in the employee's appeal statement. This should be sent to the employee at the same time as notification of the Appeal Hearing. If this is not possible, this should be sent to the employee at least **5 working days** before the date of the Appeal Hearing.

The Appeal Hearing should be convened within **6 working weeks** from receipt of the employee's appeal. The employee should be given at least **10 working days'** written notice of the Appeal Hearing (see Appendix 11).

The appeal will be heard by an Appeals Committee consisting of 3 Governors and/or Trustees who are not staff governors and, ideally, not parent governors and who have not previously been involved in the case. The Chair of the Contract Review Hearing Panel will be required to present the management case at the appeal and, for the purposes of this procedure, will be known as the 'The Presenting Officer'. In the absence of the Chair of the Contract Review Panel being available to present the case, this responsibility will fall to one of the other 2 members of the Contract Review Panel.

It is strongly recommended that the Trust HR Manager is also in attendance in an advisory capacity to the Committee.

At the Appeal Hearing

The Chair of the Appeals Committee will state the purpose of the appeal which is to consider the grounds of the appeal.

The Chair will explain the procedure to be followed:

- The employee and/or their representative will present relevant information in support of their appeal.
- The Presenting Officer will have the opportunity to respond and provide information relevant to the appeal.

- The Appeal Committee may ask questions to The Presenting Officer and employee and seek advice prior to reaching their decision.
- The Appeal Committee may adjourn to consider the information presented or seek further information before reaching their decision. Where further information is provided, both parties will have the opportunity to comment.

Outcome of the Appeal Hearing

The Appeal Committee will ask both parties to withdraw whilst the decision is considered.

Once a decision has been reached, both parties will be recalled and advised of the decision which will be confirmed to the employee, in writing, **within 5 working days** of the decision; which could be one of the following:

- Dismiss the appeal and uphold the decision to terminate employment
- Uphold the appeal and reinstate the employee
- Any other action they might consider to be appropriate and reasonable depending on the circumstances of each case.

12. Intervening sickness absence

Where an employee is off sick in the period between their return to work and the date of the Sickness Absence Meeting, this absence will be considered at the meeting but will not count towards any subsequent triggers that are set at the meeting.

13. Linked absences

When an employee returns from a day or period of sickness absence, and within 7 calendar days is off sick for the same reason, the linked absences will be treated as one period of sickness absence. This must be confirmed at the Return to Work Meeting.

14. Referring employees to Occupational Health

The line manager/ designated person may refer an employee to Occupational Health at any time within this procedure to establish the employee's medical situation. In any event, a referral should be made after a continuous sickness absence of 4 weeks or more. Advice must be sought from Occupational Health prior to any action within the scope of the Contract Review Hearing stage.

Where the reason for an employee's sickness absence is given as stress/ depression or other mental health condition, whether work related or not, steps should be taken to refer the employee to Occupational Health as soon as possible.

15. Regular Contact

The designated person should maintain regular contact with an employee who is on long term sickness absence. It is recommended that contact should occur at least once a month if not more frequently.

Consideration should be given to the employee's preference about the appropriate means of communication, which may include telephone communication and/or email. The primary purposes of the contact are both to keep the employee aware of what is going on in the work place and to keep the designated person informed of the employee's progress.

16. Pregnancy Related Sickness Absence

An employee who is pregnant is afforded special protection under the Equality Act against unfair treatment because of her pregnancy. It is unlawful to dismiss an employee for reasons connected with her pregnancy. For this reason, any pregnancy related sickness absence must be recorded separately from other sickness absence and must not be counted towards the triggers for action under this policy. If there is uncertainty whether the reason for sickness absence is pregnancy related, advice should be sought from Occupational Health.

Pregnancy related sickness absences will however still be subject to sickness absence reporting procedures.

If the employee is absent due to a pregnancy related sickness in the 4 weeks before the week in which the baby is due, her maternity leave will automatically commence the day after her first day of absence.

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.

17. Phased Return to Work

A phased return to work may be advised by Occupational Health to facilitate recovery and rehabilitation back into the work place following a period of sickness absence by enabling the employee to work reduced hours for a fixed period of time. Occupational Health will provide advice on the suggested phased return relevant to the employee and how this should be structured, including the number of hours, working pattern and the duration of the phased return.

Where an employee returns to work on a part time basis with the expectation that they will be able to work their full contractual hours within a reasonable period of time, the following arrangements will be made in relation to pay:

- Where the employee has exhausted sick pay, the salary payment made will be based on the number of hours worked.
- Where the employee has not exhausted sick pay, the employee will be paid in accordance with the number of hours worked, or the occupational sick pay entitlement that would be payable if the employee remained sick, whichever is the greater amount.
- If the employee remains on phased hours after three months, salary payments will be based on the number of hours worked.

A phased return to work should be monitored and managed by both the Executive Headteacher/ Designated Line Manager and Occupational Health, and should last no longer than 3 months. If it becomes evident that the employee is unable to return to their normal contracted hours after a period of 3 months, the Executive Headteacher/Designated Line Manager should meet with the employee to discuss whether the School is able to continue to support the request (either from the employee or through an Occupational Health recommendation) to work reduced hours taking into consideration the needs of the school, the reasons presented by the employee, any reasonable adjustments that have been requested particularly in relation to legal obligations under the Equality Act.

Where the phased return continues beyond a 3 month period, advice should be sought from the Trust HR Manager.

If, following the discussion with the employee, the School is able to support the request to continue the reduced hours, the Executive Headteacher/Designated Line Manager should advise the employee that this will require a contractual change in hours to be implemented and the implications of the contractual change e.g. pro rata salary and, where applicable, annual leave. Appropriate notification should be sent to the Trust's payroll provider.

If, following the discussion with the employee, the School is unable to support the request to continue the reduced hours, the Executive Headteacher/Designated Line Manager must be clear about; why the School cannot support the request, what may have been offered as an alternative to the employee (if anything), and any reasonable adjustments that may have been offered (even if declined by the employee). Advice must be sought in such cases from the Trust HR Manager and a referral to Occupational Health may be pursued to obtain advice about whether ill-health redeployment may be appropriate.

18. Terminal Illness

Where an employee has a terminal prognosis, the Executive Headteacher/ Designated Line Manager should seek advice from the Trust HR Manager at the earliest opportunity.

In some exceptional circumstances, where an employee is incapacitated and unable to engage with the process, there may be discretion in the operation of the policy. This discretion rests solely with the Board of Trustees.

The Executive Headteacher/ Designated Line Manager needs to bear in mind that although such sickness absence is managed in much the same way as other employees, there are some particular points that should be noted:

The Executive Headteacher/ Designated Line Manager, in consultation with the Trust HR Manager and Occupational Health, may use the formal review meetings to explore options with the employee in relation to entitlements to sick pay and leave, as well as the relative financial implications for the employee if they retire or die in service.

The Executive Headteacher/ Designated Line Manager may wish to consider how to deal with a number of eventualities that may include:

- The employee may wish to continue attending work for as long as possible; a referral to Occupational Health will help to establish the employee's medical situation.
- The employee may need extensive time away from work to undergo treatment or to take a period of sickness absence.
- The employee, though fit to attend work, may wish to take time off work.
- The employee continuing in employment until their death.
- The employee leaving employment and if eligible, receiving benefits from their pension.

19. Disability Discrimination- Reasonable Adjustments

An employee has a disability within the meaning of the Equality Act if they have 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. Long term means that the condition must last, or is likely to last, for at least 12 months, or it is likely to last for the rest of the life of the person affected.

The School Leadership Teams needs to consider and be sensitive to the possibility that an employee's period of sickness may be caused by a disability. This is particularly true in respect of possible psychiatric conditions including depression, which may result in repeated periods of absence (combined possibly with poor work as a result of lack of concentration etc.).

Employers have a statutory obligation to make reasonable adjustments for employees who have a disability. When all reasonable adjustments have been explored, an employee can be dismissed, following a Contract Review Hearing, if they can no longer perform the main functions of their job. Advice must be sought from the Trust HR Manager.

The nature of the reasonable adjustments will depend on the circumstances of each case. Where no reasonable adjustment would overcome a particular disability and enable the employee to continue in their existing role, reasonable adjustments can include the redeployment of the employee to an alternative post. Reasonable adjustments can also include provisions made to assist a gradual return to the full contracted hours or, for example, a change to part-time hours. Reasonable adjustments recommended by Occupational Health will also need to be considered.

Whilst sickness absences related to a condition under the Equality Act are counted towards triggers, it should nevertheless be distinguished from other sickness absences.

Return to Work Interview Form

Section 1: Self-Certification

(to be completed by the employee)

Employee Name:		Job Title:	
Class/ Department:		School:	
Address:			
Postcode:			
First Day of Absence:		Last Date of Absence:	
First Day Resumed Duties:		Total N° Days of Absence:	
Absence Reason:			
Are you taking any medication that may have an adverse effect on your ability to perform your contractual duties?			
		YES <input type="checkbox"/> NO <input type="checkbox"/>	
		If YES, provide details:	
Do you believe that the reason for this absence is related to a disability as defined in the Disability Discrimination Act?			
		YES <input type="checkbox"/> NO <input type="checkbox"/>	
		If YES, provide details:	

DECLARATION

If my absence was longer than 7 working days, I attach / have submitted a Statement of Fitness for Work (Fit Note).

I have not during this period undertaken any work (paid or unpaid)

I declare that the details and statements which I have provided are correct and true.

Sign:

Date:

Your Employee Assistance Programme is a free, confidential and independent resource to support you any time, any day by phone, email or online. Some of the things they can help you with are:

FREE PHONE: 0800 243 458

SMS (FOR CALL BACK): 0790 9341 229

WEBSITE: www.workplaceoptions.com

EMAIL: assistance@workplaceoptions.com

- Work– life balance
- Workplace Pressure
- Bereavement and loss
- Emotional well-being
- Personal & family relationships
- Managing Stress
- Health and wellness
- Child and elder care
- Disability and illness
- Debt and money

Section 2: Return to Work Interview

(to be completed by sickness absence manager and employee)

Welcome employee back to work and check the employee is fully recovered and is capable of performing their duties:	YES <input type="checkbox"/> NO <input type="checkbox"/> If NO, provide details:
Absence reporting procedures followed:	YES <input type="checkbox"/> NO <input type="checkbox"/> If NO, provide details:
Employee updated on work issues: <i>Including issues caused by absence</i>	YES <input type="checkbox"/> NO <input type="checkbox"/>
Is the absence related to a work related accident: <i>If YES, check the appropriate documentation been completed</i>	YES <input type="checkbox"/> NO <input type="checkbox"/>
Is a phased return appropriate: <i>Refer to Occupational Health or the Trust HR Manager for guidance</i>	YES <input type="checkbox"/> NO <input type="checkbox"/>
Details of phased return/ restrictions:	
Is there an underlying reason for the absence:	YES <input type="checkbox"/> NO <input type="checkbox"/> If YES, provide details:
Has there been a change in the employees' circumstances:	YES <input type="checkbox"/> NO <input type="checkbox"/> If YES, provide details:
Is the absence related to the employee's disability or pregnancy:	YES <input type="checkbox"/> NO <input type="checkbox"/>
Does the employee have a temporary or permanent mobility issue that would require a PEEP: <i>Refer to Occupational Health or the Trust HR Manager for guidance</i>	YES <input type="checkbox"/> NO <input type="checkbox"/> If YES, provide details:
Number of working days lost due to absence in a 12 month rolling period: <i>E.g. 01/01/2018 – 01/01/2019</i>	
Has the employee reached the absence triggers and is there a need for follow up action:	YES <input type="checkbox"/> NO <input type="checkbox"/> Informal <input type="checkbox"/> Stage 1 <input type="checkbox"/> Stage 2 <input type="checkbox"/> Stage 3 <input type="checkbox"/>
Is a referral to Occupational Health appropriate:	YES <input type="checkbox"/> NO <input type="checkbox"/>
<i>Inform the employee of the importance of regular attendance and the negative impact absence has on the School. Poor attendance can lead to informal and formal monitoring and action under the Trust's Managing Health and Attendance Policy and Procedure:</i>	
Notes of Further Discussion	
Employee Comments:	
Signed: Line manager/ designated person/ School Leadership Team	Date:
Signed: Employee	Date:

Informal Sickness Absence Meeting Invite Letter

EMPLOYEE NAME

ADDRESS

STRICTLY CONFIDENTIAL

DATE

Dear (employee name),

MANAGING HEALTH AND ATTENDANCE POLICY & PROCEDURE INFORMAL SICKNESS ABSENCE MEETING

You have been absent from work due to sickness for a total of X days within the rolling year. I am writing to request your attendance at the above meeting to discuss the situation with (line manager name).

This is an informal meeting and will be held in accordance with the Managing Health and Attendance Policy & Procedure, a copy of which is attached for your information. Please refer to section 10.1 for further details of the meeting.

The meeting will take place on (date) at (time) at the (Campus/ site name). If you require any reasonable adjustments to enable you to attend the meeting, please let me know and I will make sure the necessary arrangements are in place.

The main purpose of this meeting is to discuss options to improve your future attendance positively and constructively. We will cover the following;

- Reviewing your sickness absence, exploring any underlying causes and give you the opportunity to present information regarding your sickness absence.
- Discussing any support or assistance we can provide to help you at work and considering any options that might assist you to reduce your level of sickness absence.
- If the reasons for your absence are related to a disability or a health condition covered by the Equality Act, we can look at what types of adjustments may be considered in the work environment to address any difficulties you may be experiencing.
- To advise you that if your sickness absence levels do not improve the next stage of the procedure will be initiated (Stage 1 Sickness Absence Meeting).

Below are the details of your sickness absence over the rolling 12 month period (enter rolling year period e.g. 01/01/2017 – 01/01/2018), including (enter the end date of the last sickness absence) which is the last date of sickness absence you have had.

Absence Start Date	Absence Start Date	N° Days Lost	Sickness Absence Reason
Total Number of days:			

As part of the meeting we will be confirming the above record, therefore if you have any queries or do not agree with the above please bring this up during the meeting.

If for any reason you are unable to attend the meeting, please let me know as soon as possible.

If you would like to access additional support, **School/ the Trust** provides all employees with access to the Workplace Options Employee Assistance Programme. It is a free, confidential and independent resource to support you at any time. You can contact them on their free phone number; 0800 243 458.

Please contact me directly should you have any queries in relation to the above.

Yours sincerely,

Executive Headteacher/Designated Line Manager

Stage 1 Sickness Absence Meeting Invite Letter

EMPLOYEE NAME

ADDRESS

STRICTLY CONFIDENTIAL

DATE

Dear (employee name),

MANAGING HEALTH AND ATTENDANCE POLICY & PROCEDURE STAGE 1 SICKNESS ABSENCE MEETING

You have been absent from work due to sickness for a total of X days/ 4 consecutive working weeks within the rolling year. I am writing to request your attendance at the above meeting to discuss the situation with (line manager name).

The meeting will be held in accordance with the Managing Health and Attendance Policy & Procedure, a copy of which is attached for your information. Please refer to section 11.1 for further details of the Stage 1 meeting.

The meeting will take place on (date) at (time) at the (Campus/ site name). If you require any reasonable adjustments to enable you to attend the meeting, please let me know and I will make sure the necessary arrangements are in place.

The main purpose of this meeting is to discuss options to improve your future attendance positively and constructively. We will cover the following;

- Reviewing your sickness absence, exploring any underlying causes and give you the opportunity to present information regarding your sickness absence.
- Discussing any support or assistance we can provide to help you at work and considering any options that might assist you to reduce your level of sickness absence.
- If the reasons for your absence are related to a disability or a health condition covered by the Equality Act, we can look at what types of adjustments may be considered in the work environment to address any difficulties you may be experiencing.
- To advise you that if your sickness absence levels do not improve the next stage of the procedure will be initiated.

Below are the details of your sickness absence over the rolling 12 month period (enter rolling year period e.g. 01/01/2017 – 01/01/2018), including (enter the end date of the last sickness absence) which is the last date of sickness absence you have had.

Absence Start Date	Absence Start Date	N° Days Lost	Sickness Absence Reason
Total Number of days:			

As part of the meeting we will be confirming the above record, therefore if you have any queries or do not agree with the above please bring this up during the meeting.

A review period will be set at the meeting and the attendance standards which are applicable will be explained to you. If the attendance standards are breached within the review period, your case will proceed to a Stage 2 Sickness Absence Meeting.

You have the right to bring a work colleague or trade union representative to the meeting. It is your responsibility to arrange for a representative to accompany you to the Hearing.

If for any reason you are unable to attend the meeting, please let me know as soon as possible so that an alternative date may be considered. However, if you do not attend the meeting it will take place in your absence; consistent with the procedures outlined in the Policy. You will be advised, in writing, of the issues discussed at the hearing and any outcomes.

If you would like to access additional support, **School/ the Trust** provides all employees with access to the Workplace Options Employee Assistance Programme. It is a free, confidential and independent resource to support you at any time. You can contact them on their free phone number; 0800 243 458.

Please contact me directly should you have any queries in relation to the above.

Yours sincerely,

Executive Headteacher/Designated Line Manager

Sickness Absence Meeting Notes Form

Date of Meeting:		Stage: Stage 1 <input type="checkbox"/> Stage 2 <input type="checkbox"/> Stage 3 <input type="checkbox"/>
Employee Name:		
Job Title:		
School/ Department:		
Representative Present: <i>(Trade Union / Employee)</i>	YES <input type="checkbox"/> NO <input type="checkbox"/> If YES, provide name:	
Meeting Lead: <i>(Line manager/ SLT)</i>		
HR Adviser Present:	YES <input type="checkbox"/> NO <input type="checkbox"/> If YES, provide name:	
Minute Taker Present:	YES <input type="checkbox"/> NO <input type="checkbox"/> If YES, provide name:	

Discussed:	
Initial	Minute
Action Plan Agreed:	
Targets for Improvement Agreed/Date for Return to Work:	
Agreed a Fixed Review Period: <i>The review period must be a minimum of 12 working weeks for short term absence and 2 months for long term absence. The review period commences the day after the Sickness Absence Meeting.</i>	
-	
Date of Review Meeting:	
Signed Meeting Lead	
Signed Employee	

Outcome of Stage 1 Sickness Absence Meeting

Date

STRICTLY CONFIDENTIAL

Dear (employee name),

MANAGING HEALTH AND ATTENDANCE POLICY & PROCEDURE OUTCOME OF STAGE 1 SICKNESS ABSENCE MEETING

Thank you for attending the Stage 1 Sickness Absence Meeting held on (date) and I write to confirm the outcomes of the meeting.

At the meeting we discussed (State what issues were discussed and actions agreed).

We agreed the following actions:

- Target(s) for improvement
- Occupational Health referral (if relevant)
- Date for employees return to work (if relevant)
- Reasonable adjustments

(Short term absence)

If the attendance standards are breached within the review period your case will proceed to a Stage 2 Sickness Absence Meeting.

OR

(Long term absence)

If your sickness absence continues for a period of 2 months or more from the date of the Stage 1 Sickness Absence Meeting, your case will proceed to a Stage 2 Sickness Absence Meeting.

If you return to work before the Stage 2 Sickness Absence Meeting, a review period will be set from the date of your return to work. If, during this review period you have a further continuous period of sickness absence of 4 working weeks or more, your case will proceed to a Stage 2 Sickness Absence Meeting.

A further meeting to review your absence will take place at (time) on (date) at (Campus/ site).

If your sickness absence levels do not improve, once all appropriate procedures have been exhausted, you must be aware that consideration will be given to dismissal at the Contract Review Hearing Stage of the process.

Should you feel the need for additional support, may I remind you that School provides all employees with access to the Workplace Options Employee Assistance Programme. It is a free, confidential and independent resource to support you at any time. You can contact them by telephone on their free phone number, 0800 243 458.

Please contact me directly should you have any queries in relation to the above.

Yours sincerely,

Executive Headteacher/Designated Line Manager

Stage 2 Sickness Absence Meeting Invite Letter

EMPLOYEE NAME

ADDRESS

STRICTLY CONFIDENTIAL

DATE

Dear (employee name),

MANAGING HEALTH AND ATTENDANCE POLICY & PROCEDURE STAGE 2 SICKNESS ABSENCE MEETING

(Short term absence)

I refer to your recent period of sickness absence and the return to work meeting on (date).

During the return to work meeting you were informed that you have breached the sickness absence trigger levels set at the Stage 1 Sickness Absence Meeting on (date), and as a result I am required to hold a Stage 2 Sickness Absence Meeting to discuss your sickness absence.

The meeting will take place on (date) at (time) at the (Campus/ site name). If you require any reasonable adjustments to enable you to attend the meeting, please let me know and I will make sure the necessary arrangements are in place.

OR

(Long term absence)

I am sorry that you continue to be unwell and absent from work and I hope that this letter finds you on the road to recovery.

At the Stage 1 Sickness Absence Meeting on (date) you were informed that if your sickness absence continued for a period of 2 months or more from the date of the meeting, a Stage 2 Sickness Absence Meeting will be held. As this period of time has now lapsed and you continue to be away from work due to sickness, I have arranged for a Stage 2 Sickness Absence Meeting to take place on (date) at (time) at (place). If you require any reasonable adjustments to enable you to attend the meeting, please let me know and I will make sure the necessary arrangements are in place.

The meeting will be held in accordance with the Managing Health and Attendance Policy & Procedure, a copy of which is attached for your information. Please refer to section 11.2 for further details of the Stage 2 meeting.

The main purpose of this meeting is to discuss options to improve your future attendance positively and constructively. We will cover the following;

- Reviewing your sickness absence, exploring any underlying causes and give you the opportunity to present information regarding your sickness absence.
- To consider a referral to Occupational Health for a medical assessment of your health.
- To review any previous efforts that have been made and to consider any further options that may help you to reduce your level of sickness absence.

- If the reasons for your absence are related to a disability or a health condition covered by the Equality Act, we can look at the types of adjustments may be considered in the work environment to address any difficulties you may be experiencing.
- To advise you that if the sickness absence levels do not improve, once all appropriate procedures have been exhausted, consideration will be given to dismissal at the Contract Review Hearing stage of the process.

I give below details of your sickness absence during the review period that was set at the Stage 1 Sickness Absence Meeting (enter review period).

Absence Start Date	Absence Start Date	N° Days Lost	Sickness Absence Reason
Total Number of days:			

As part of the meeting we will be confirming the above record, therefore if you have any queries or do not agree with the above please bring this up during the meeting.

At the meeting a review period will be set and the attendance standards which are applicable will be explained to you. If the attendance standards are breached within the review period, your case will proceed to Stage 3 Sickness Absence Meeting- Contract Review Hearing.

You have the right to bring a work colleague or trade union representative to the meeting. It is your responsibility to arrange for a representative to accompany you to the Hearing.

If for any reason you are unable to attend the meeting, please let me know as soon as possible so that an alternative date may be considered. However, if you do not attend the meeting it will take place in your absence; consistent with the procedures outlined in the Policy. You will be advised, in writing, of the issues discussed at the hearing and any outcomes.

If you would like to access additional support, School/ the Trust provides all employees with access to the Workplace Options Employee Assistance Programme. It is a free, confidential and independent resource to support you at any time. You can contact them on their free phone number; 0800 243 458.

Please contact me directly should you have any queries in relation to the above.

Yours sincerely,

Executive Headteacher/Designated Line Manager

Outcome of Stage 2 Sickness Absence Meeting

Date

STRICTLY CONFIDENTIAL

Dear (employee name),

MANAGING HEALTH AND ATTENDANCE POLICY & PROCEDURE OUTCOME OF STAGE 2 SICKNESS ABSENCE MEETING

Thank you for attending the Stage 2 Sickness Absence Meeting held on (date) and I write to confirm the outcomes of the meeting.

At the meeting we discussed (State what issues were discussed and actions agreed, including any previous efforts made to help the employee reduce their levels of sickness absence).

We agreed the following actions:

- Target(s) for improvement
- Occupational Health referral (if relevant)
- Date for employees return to work (if relevant)
- Reasonable adjustments

Your review period starts from (enter date that is a day after the Stage 2 Meeting) and finishes on (enter date). The expected attendance standards during this period are (state applicable attendance standards).

(Short term absence)

If the attendance standards are breached within the review period your case will proceed to a Stage 3 Sickness Absence Meeting- Contract Review.

OR

(Long term absence)

If your sickness absence continues for a period of 2 months or more from the date of the Stage 2 Sickness Absence Meeting, your case will proceed to a Stage 3 Sickness Absence Meeting- Contract Review Hearing.

If you return to work before the Stage 3 Sickness Absence Meeting- Contract Review Hearing, a review period will be set from the date of your return to work. If, during this review period you have a further continuous period of sickness absence of 4 working weeks or more, your case will proceed to a Contract Review Hearing.

A further meeting to review your absence will take place at (time) on (date) at (Campus/ site).

If your sickness absence levels do not improve, once all appropriate procedures have been exhausted, you must be aware that consideration will be given to dismissal at the Contract Review Hearing Stage of the process.

Should you feel the need for additional support, may I remind you that School/ Trust provides all employees with access to the Workplace Options Employee Assistance Programme. It is a free, confidential and independent resource to support you at any time. You can contact them by telephone on their free phone number, 0800 243 458.

Please contact me directly should you have any queries in relation to the above

Yours sincerely,

Executive Headteacher/Designated Line Manager

Appendix 8

Stage 3 Sickness Absence Meeting- Contract Review Hearing Invite Letter

EMPLOYEE NAME

ADDRESS

STRICTLY CONFIDENTIAL

DATE

Dear (employee name),

**MANAGING HEALTH AND ATTENDANCE POLICY & PROCEDURE
STAGE 3 SICKNESS ABSENCE MEETING- CONTRACT REVIEW HEARING**

(Short term absence)

I refer to your recent period of sickness absence and the return to work meeting on (date).

During the return to work meeting you were informed that you have breached the sickness absence trigger levels set at the Stage 2 Sickness Absence Meeting on (date), and as a result I am required to hold a Stage 3 Sickness Absence Meeting- Contract Review Hearing to discuss your sickness absence.

The meeting will take place on (date) at (time) at the (Campus/ site name). If you require any reasonable adjustments to enable you to attend the meeting, please let me know and I will make sure the necessary arrangements are in place.

OR

(Long term absence)

I am sorry that you continue to be unwell and absent from work and I hope that this letter finds you on the road to recovery.

At the Stage 2 Sickness Absence Meeting on (date) you were informed that if your sickness absence continued for a period of 2 months or more from the date of the meeting, a Stage 3 Sickness Absence Meeting- Contract Review Hearing will be held. As this period of time has now lapsed and you continue to be away from work due to sickness, I have arranged for a Stage 3 Sickness Absence Meeting- Contract Review Hearing to take place on (date) at (time) at (place). If you require any reasonable adjustments to enable you to attend the meeting, please let me know and I will make sure the necessary arrangements are in place.

The case will be considered by a Contract Review Hearing Panel consisting of 3 **Governors/ Trustees** who will be:

(List the names of the Contract Review Hearing Panel)

I enclose a copy of the management case statement which will be considered at the Hearing.

The purpose of the Contract Review Hearing is to:

- Confirm the dates and periods of sickness absence since the beginning of the process and to ensure that records are up to date.

- Review your sickness absence including any underlying causes and available medical evidence.
- Provide you with the opportunity to present information and explain reasons for your sickness absence.
- Review the type of work that you do, including the impact of sickness absence on service delivery and on colleagues.
- Review previous efforts to assist you to reduce your level of absence.
- Consider the availability of alternative work, where appropriate.
- Ensure that appropriate procedures have been followed and that any proposed action is reasonable, taking into account all the circumstances. This includes that you have previously been advised that there will be consideration given to dismissal if you did not meet the attendance standards.

The meeting will be held in accordance with the Managing Health and Attendance Policy & Procedure, a copy of which is attached for your information. Please refer to section 11.3 for further details of the Stage 3 Sickness Absence Meeting- Contract Review Hearing.

You have the right to bring a work colleague or trade union representative to the meeting. It is your responsibility to arrange for a representative to accompany you to the Hearing.

If for any reason you are unable to attend the meeting, please let me know as soon as possible so that an alternative date may be considered. If you do not attend the Hearing it will take place in your absence; consistent with the procedures outlined in the Policy. You will be advised, in writing, of the issues discussed at the hearing and any outcomes.

If you would like to access additional support, **School/ the Trust** provides all employees with access to the Workplace Options Employee Assistance Programme. It is a free, confidential and independent resource to support you at any time. You can contact them on their free phone number; 0800 243 458.

Please contact me directly should you have any queries in relation to the above.

Yours sincerely,

Executive Headteacher

Stage 3 Sickness Absence Meeting Notes Form
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Date of Meeting:	
Employee Name:	
Job Title:	
School/ Department:	
Representative Present: <i>(Trade Union / Employee)</i>	YES <input type="checkbox"/> NO <input type="checkbox"/> If YES, provide name:
Management: <i>(Executive Head/ SLT)</i>	
Panel Chair:	
Panel Members:	
HR Adviser Present:	YES <input type="checkbox"/> NO <input type="checkbox"/> If YES, provide name:
Minute Taker Present:	YES <input type="checkbox"/> NO <input type="checkbox"/> If YES, provide name:

Discussed:	
Initial	Minute
Panel's decision:	
Terminate the employee's contract; YES <input type="checkbox"/> NO <input type="checkbox"/>	
IF YES, provide reason:	
IF NO:	
Action Plan Agreed:	
Targets for Improvement Agreed/Date for Return to Work:	
Agreed a Further Fixed Review Period:	
<i>The review period must be a minimum of 12 working weeks for short term absence and 2 months for long term absence. The review period commences the day after the Sickness Absence Meeting.</i>	
-	
Date of Review Meeting:	
Signed Panel Chair	
Signed	

Employee	
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Appendix 10

Outcome of Stage 3 Sickness Absence Meeting- Contract Review Hearing

Date

STRICTLY CONFIDENTIAL

Dear (employee name),

**MANAGING HEALTH AND ATTENDANCE POLICY & PROCEDURE
OUTCOME OF STAGE 3 SICKNESS ABSENCE MEETING- CONTRACT REVIEW HEARING**

Thank you for attending the Stage 3 Sickness Absence Meeting- Contract Review Hearing held on (date) and I write to confirm the outcomes of the meeting.

As outlined in the letter to you dated (date), the purpose of this hearing was to consider issues related to your sickness absence consistent with the Trust's Managing Attendance Policy and Procedure. The procedures that were followed at this meeting were as outlined in the Managing Attendance Policy and Procedure. I note that you have received a copy of this document.

(State the outcome at the meeting).

(DECISION TO DISMISS)

The panel are satisfied that all the appropriate procedures outlined in the Managing Attendance Policy and Procedure have been followed in your case and proposals currently under consideration are reasonable in all the circumstances.

In reaching their decision, the panel have considered carefully all of the evidence provided by the School, all the medical evidence made available to me and the information that you provided at the meeting.

After taking all the facts and circumstances of your case into account, and the ongoing difficulties faced by the School due to your absence, it is the panel's decision that your contract of employment will therefore be terminated for a reason relating to your persistent and intermittent levels of sickness absences which are unacceptable to the School/ relating to your incapability to do the work that you were employed to do due to non-attendance.

You are entitled to (insert number of weeks/months' notice) contractual notice. The effective date of the termination of your contract of employment is therefore (date).

You will need to continue to provide further medical certificates to cover your sickness absence during the period of your notice.

Please be advised that there will be a final period to explore all reasonable alternative options to dismissal which will be dependent upon any significant changes in your circumstances. This final period will start from the date of the letter confirming the outcome of the Hearing and ending when your period of contractual notice expires.

You have a right of appeal against this decision. Your appeal must be submitted in writing within 10 working days of receipt of this letter confirming dismissal, stating the grounds for the appeal which can be any one or all of the following:

- The severity of the action and/or
- The finding of the Contract Review on a point of fact and/or
- A failure to adhere to agreed procedure

(DECISION NOT TO DISMISS)

(Short term absence)

After taking all the facts and circumstances of your case into account it is the panel's decision that you should be given a further and final opportunity to meet the attendance standards and a further Contract Review Hearing will be held if the short term triggers are breached. The triggers are set at 9 days or 3 periods. The fixed review period starts from (enter date of day after the Contract Review Hearing) to (enter end date of the fixed review period).

I must inform you that if you breach the triggers in the fixed review period set out above, the panel will have to consider the options available to them under the current procedure and this will include the possibility of terminating your contract of employment.

OR

(Long term absence)

After taking all the facts and circumstances of your case into account it is the panel's decision that a further Contract Review Hearing will be held if following a review period, not exceeding 2 months, from the date of the Contract Review Hearing (INSERT DATE) you have not returned to work. If you have not returned to work by that time, the panel will have to consider the options available to them and under the current procedure and this will include the possibility of terminating your contract of employment

If you have any queries concerning the content of this letter, please contact the Executive Headteacher in the first instance.

Yours sincerely,

Panel Chair

Appeal Hearing Invite Letter

EMPLOYEE NAME

ADDRESS

STRICTLY CONFIDENTIAL

DATE

Dear (employee name),

MANAGING HEALTH AND ATTENDANCE POLICY & PROCEDURE APPEAL HEARING

I can confirm that I have received your written case statement to appeal against the Contract Review Panel's decision to terminate your contract of employment.

I have arranged an Appeal Hearing to take place on (date) at (time) at the (Campus/ site name). If you require any reasonable adjustments to enable you to attend the meeting, please let me know and I will make sure the necessary arrangements are in place.

The case will be considered by an Appeals Committee consisting of 3 **Governors/ Trustees** who will be:

(List the names of the Contract Review Hearing Panel)

I enclose a copy of the management case statement which will be considered at the Hearing.

The meeting will be held in accordance with the Managing Health and Attendance Policy & Procedure, a copy of which is attached for your information. Please refer to section 11.4 for further details of the Stage 3 Sickness Absence Meeting- Contract Review Hearing.

You have the right to bring a work colleague or trade union representative to the meeting. It is your responsibility to arrange for a representative to accompany you to the Hearing.

If for any reason you are unable to attend the meeting, please let me know as soon as possible so that an alternative date may be considered. If you do not attend the Hearing it will take place in your absence; consistent with the procedures outlined in the Policy. You will be advised, in writing, of the issues discussed at the hearing and any outcomes.

If you would like to access additional support, **School/ the Trust** provides all employees with access to the Workplace Options Employee Assistance Programme. It is a free, confidential and independent resource to support you at any time. You can contact them on their free phone number; 0800 243 458.

Please contact me directly should you have any queries in relation to the above.

Yours sincerely,

Chair of the Appeals Committee

Statement of Fitness for Work or 'Fit Note' Guidance

The Statement of Fitness for Work or 'fit note' aims to focus on what employee may be able to do at work rather than what they cannot do.

The 'fit note' enables the GP to indicate whether the employee:

- Is not fit for work
- May be fit for work taking account of the following advice

The GP will be able to suggest four types of alterations and these are:

- A phased return to work
- Altered hours
- Amended duties
- Workplace adaptations

The doctor will also provide written comments on the form offering a more detailed view of the kind of things that may help. For example, how the employee's condition will affect what they do and some of the things that could help the employee return to work.

The 'fit note' will be required as evidence that an employee cannot work due to injury or illness from the 8th day of sickness absence.

Where the 'fit note' indicates that the employee 'may be fit for work' and the suggested alterations do not include a phased return in respect of hours worked, please give consideration to the following guidance:

- Look at the information that has been provided by the GP on the level of adjustments that are required to support an employee returning to work. A discussion with the employee may also be required.
- Make a reasonable judgement based on the facts. This should take account of the full requirements of the employee's contracted duties and any adverse impact this may have on meeting service needs. In essence, are the recommendations realistic to the requirements of the employee's role and service needs?
- The information provided by the GP must be carefully considered with a view to supporting the employee's return to work.
- If the GP has indicated temporary or permanent adjustments that significantly alter the way in which the employee's role is performed or is impractical to enable service needs to be met, advice should be sought from the Trust HR Manager.
- Following advice from the Trust HR Manager, there may be reason to refer the employee to Occupational Health to seek further medical advice. The referral form should be accompanied by the employee's job description and a copy of the GP fit note together with a detailed explanation of the implications of the GP advice and the management issues in response to this advice.
- Any adjustments that are facilitated should be noted on file and for future reference.
- If, after having taken advice, it is not possible to put in place the suggested alterations, the 'fit note' should be used as if the GP had advised the employee to be 'not fit for work'. The employee does not need to return to their GP for a new statement to confirm this until the duration of the existing statement has elapsed.

Where the 'fit note' indicates that the employee 'may be fit for work' and the suggested alterations do include a phased return in respect of hours worked, please consider the following advice:

- Refer the employee to Occupational Health before any phased return is put in place. The referral form should be accompanied by the employee's job description and a copy of the GP fit note together with a detailed explanation of the implications of the GP advice and the management issues in response to this advice.

- Any phased return will be in accordance with advice from Occupational Health, which will have taken into account the GPs advice given to the employee on the fit note.
- The terms and conditions of the phased return will be as detailed in the Managing Attendance Policy.