



# Churchside Federation

## Management of Sickness Absence

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

<b>Policy Type:</b>	<b>Trust Policy</b>
<b>Date Issued by MAT:</b>	<b>06/07/2023</b>
<b>Approved By:</b>	<b>Trust Executive Team</b>
<b>Approval Date:</b>	<b>14/06/2023</b>
<b>Review Date:</b>	<b>June 2026</b>
<b>Person Responsible:</b>	<b>Head of Human Resources</b>

## Summary of Changes

The model policy has been revised to reflect these changes to the statutory guidance as outlined below.

Page Ref.	Section	Amendment	Date of Change
3	1.1	Additional clarification around procedures	Aug 2020
3	1.3	Additional information around changes to behaviour/ability	Aug 2020
4	2.2.1	Updated details required when reporting absence from work	Aug 2020
6	2.6-2.8	Additional sections including information on early notification and menopause/menopausal symptoms a	Aug 2020
3		Trust standard introductory wording added	May 2023
4	1.5	HR authority to hold Absence Meetings Stage 1 and 2 confirmed	May 2023
5	2.4	HR to arrange OH Assessments	May 2023
6	5.2	Phased Returns to be discussed with the academy HR Officer	May 2023
7	7.2	Probation period to be extended if there is illness during the probation period	May 2023
12	16.1	5 days' notice to be given before Stage 2 Meeting	May 2023
4		Table of Contents added	May 2023
16	21.	Links to other policies added	May 2023

## **Our Christian Ethos and Values**

All policies within the Diocese of Norwich Education and Academies Trust (hereafter referred to as “the Trust”), whether relating to an individual academy or the whole Trust, will be written and implemented in line with our Christian ethos and values.

We have high ambition for all, and we truly value the wider educational experience.

We walk and talk our Christian values. We put people at the centre of the organisation and want to see them flourish and grow. Our schools are inclusive, welcoming those of all faiths and none.

## **Overall accountabilities and roles**

The Trust has overall accountability for all its academies and staff. Through a Scheme of Delegation for each academy it sets out the responsibilities of the Trust, its Executive Officers, the Local Governing Body and the Principal / Head Teacher. The Principal / Head Teacher of each academy is responsible for the implementation of all policies of the Trust.

All employees of the Trust are subject to the Trust’s policies.

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## 1. Introduction

- 1.1 The Trust and Local Governing Body recognise their responsibility for the health, safety and welfare of their staff. This Sickness Absence Policy sets out our procedures for reporting sickness absence and for the management of sickness absence in a fair and consistent way. This policy places emphasis on proactive support for staff in the event of ill health difficulties. This policy does not form part of any employee's contract of employment, and it may be amended at any time following appropriate consultation. Procedures set out in this policy, including any time limits, may be varied as appropriate in any case.
- 1.2 It is the responsibility of management to monitor and control absence and to respond effectively to actual and potential problems. The Academy has standards for attendance of staff as it does for pupils. It is the responsibility of the Headteacher and all levels of management to ensure these standards are achieved and to raise awareness of the effect of sickness absence levels on the quality and continuity of teaching and learning and other aspects of the effectiveness of the work of the Academy. In addition, managers have a clear obligation placed on them to identify and address problems in the work environment and/or job factors that may be contributing to staff absence.
- 1.3 Sickness absence can vary from short intermittent periods of ill-health to a continuous period of long-term absence and have several different causes (for example, injuries, recurring conditions, or a serious illness requiring lengthy treatment). The Trust and Local Governing Body are committed to creating an environment where employees can raise concerns about their health and any impact upon work, and to ask for support and appropriate adjustments. Should managers notice a change in an employee's behaviour/ability whilst in the workplace then they should discuss this with the employee to see if there is a health condition, they are not aware of and whether any support needs to be provided.
- 1.4 The Headteacher is responsible for monitoring the implementation of the procedure across the academy, to ensure that the procedure is communicated to employees and that it is applied consistently. All absence matters should be discussed with HR. Levels of sickness absence will be monitored and will record the average number of working days lost due to sickness per full time equivalent employee and identify areas where the work of the academy, in particular the continuity of teaching and learning, is being affected by absence levels. This will include a breakdown of total absence into long term and short-term absence (normally more than 20 days) and reasons for absence. The information will be reported to Trustees and governors on an anonymised basis. The procedure sets out the steps which the Headteacher and line managers will normally follow when staff sickness absence occurs.

Sickness absence may result from a disability under the Equality Act 2010. Reasonable adjustments to this procedure may be considered in appropriate cases, depending upon the specific circumstances. HR advice should be obtained where the line manager considers the employee is likely to have a disability.

- 1.5 All staff with line management responsibilities are authorised and expected to hold Return to Work discussions and Informal Sickness Absence meetings. HR Officers can support with these meetings.

HR have authority to hold Informal, Stage 1 and Stage 2 meetings.

Senior Managers with authority to hold Stage 1 Meetings (and review Stage 1 decisions at appeal) are: Head of School, Sendco & Senior Teachers.

The Headteacher has authority to hold a Stage 2 meeting. In the event that the headteacher has held the Stage 1 meeting then Stage 2 will be held by HR.

HR can support at all absence meetings held by the above Senior Managers or Headteachers.

## **2. Employees' Responsibilities**

2.1. Attend work when fit to do so

2.2 Follow the Notification of Sickness Absence procedures:

2.2.1 An employee in an academy who is prevented by illness from reporting for duty shall on the **FIRST DAY OF ABSENCE** personally notify the **Executive Head & Head of School/Senior Teacher** as soon as possible by text/telephone call (ideally not a voicemail message) and later confirm in writing (usually an email or text) as soon as is reasonably practicable, giving the reason for the absence, current contact details, any outstanding or urgent work that requires attention and how long you expect to be absent from work.

2.2.2 If an employee does not report for work and has not explained the reason for absence then the school office will try to contact the employee, by telephone, text or email. This must not be treated as a substitute for reporting sickness absence. Absence that has not been notified in accordance with the sickness absence reporting procedure will be treated as unauthorised absence.

2.2.3 A medical certificate (Fit Note) must be provided from the **EIGHTH** day of absence (including Saturdays and Sundays and closure periods). The fit note should be copied and the original returned to the employee.

2.2.4 In cases where the first medical certificate (Fit Note) covers a period exceeding fourteen days or where more than one medical certificate (Fit Note) is necessary the employee must obtain a final medical certificate (Fit Note) certifying fitness for work.

2.2.5 Employees must continue to submit medical certificates (Fit Notes) during Academy closure periods. In the event that an employee becomes fit during an Academy closure period then paragraph 2.2.4 applies.

2.3 Self Certification

All employees must complete a self-certification form detailing the reason for absence for any period of sickness absence up to seven days. The self-certification form must be completed immediately on return to duty. Please see the standard template to be used (Appendix G).

2.4 Attend an Occupational Health (OH) Appointment

An employee shall, if requested at any time, attend a medical examination by a registered medical practitioner nominated by the Academy, subject to the provisions of the Access to Medical Reports Act 1988 where applicable. The line manager will have discussed the reasons for this referral with the employee. In such circumstances the employee will be asked by the Occupational Health provider to complete a consent form. This will cover consent to undergo an OH assessment and potentially access to further information from your General Practitioner or specialist. The employee will also be asked their wishes regarding the release of the subsequent OH management advice note.

HR will organise the Occupational Health Assessment. If there are two missed appointments by the individual, the Occupational Health Assessment will be passed back to the academy to

organise.

- 2.5 Ensure medical advice and treatment is obtained and adhered to to facilitate a return to work as soon as possible.
- 2.6 Inform their line manager if they are experiencing any difficulties in the workplace due to a health condition so that this can be discussed, and support identified and as well as any other action points e.g. referral to Occupational Health. Early notification will help line managers to determine the most appropriate course of action to support an employee's individual needs.
- 2.7 There may be some instances where the employee may be reluctant to discuss this with their line manager because of the nature of their condition e.g. menopause. Where employees who do not wish to discuss the issue with their direct line manager, they may find it helpful to have an initial discussion with HR, a trusted colleague or another manager instead or a trade union representative, if there is one in the workplace.
- 2.8 It is recognised that female employees may need support and adjustments at work before the menopause (known as the perimenopause) as well as during and after the menopause and they are encouraged to raise this as outlined in 2.7. It is understood that the menopause and perimenopause is an individual experience. Therefore, the age a female employee experiences symptoms can vary significantly as well the type of symptoms, severity of symptoms as well as the adjustments required. In addition, a trans man - someone who proposes to go through, is going through or has gone through a process, or part of a process, to change their gender from woman to man - may go through perimenopausal and menopausal symptoms. Early menopause can also take place following certain surgery or health conditions.

### **3. Reimbursement of Cost of Doctors' Statements.**

- 3.1 Where the Headteacher requires a medical certificate (Fit Note) from an employee this will be confirmed in writing including a commitment to reimburse the employee on provision of a receipt, if a charge is made for the statement.

### **4. Illness or Injury Arising from Work**

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

### **5. Return to Work**

- 5.1 After any period of absence the line manager should conduct an appropriate Return to Work discussion. Guidance on conducting this discussion can be found at Appendix E along with the related form (Appendix F).
- 5.2 Phased returns

Where an employee returns to work on a part time basis following long term sickness absence, on medical advice provided by the Occupational Health doctor there is an expectation that they will be able to work their full contractual hours within a reasonable period of time, not likely to exceed six weeks.

Phased returns should be discussed with the academy HR Officer.

In this situation an employee will return on full pay. Should this period of time be exceeded there may be a temporary reduction in pay as follows:

- 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.

5.3 If the employee returns to work with a fit note which states 'may be fit for work', the advice on the note will be discussed and consideration will be given as to how it impacts upon the job, the workplace, pupils and colleagues. The General Practitioner's (GP's) functional comments, any of the return-to-work tick boxes, and any other action that could facilitate a return to work will be considered with due regard to the Equality Act. Options may include a phased return to work, altered hours, amended duties or workplace adaptations. If a return to work is possible the agreed action plan will be documented and implemented. If it is not possible to provide the support suggested by the GP, the note will be used as if the GP had advised 'not fit for work'. The employee will not need to return to their GP to obtain a revised statement. A Sickness Absence Interview will be held to review the support in place at an appropriate time.

5.4 Consideration will be given as to whether a risk assessment is required to ensure the health and safety of the employee in light of the reason for their ill health, for example a stress, ergonomic or more general risk assessment may be required. Please ask HR for assistance with risk assessments.

## **6. Trade Union Representatives**

6.1 Trade union representatives are subject to the same standards of attendance as other employees. However, to ensure that they are not discriminated against as a result of carrying out their legitimate trade union duties, no action under the formal process will be taken against a recognised trade union representative without prior discussion with the full time trade union officer.

## **7. Probationary Periods for Support Staff**

7.1 All new support staff employees are subject to a probationary period. Sickness absence issues that arise during a support staff employee's probationary period will be considered in determining whether the probationary period is completed satisfactorily, and this procedure will not apply.

7.2 If sickness occurs during a probation period, the period should be extended for the same number of days as the individual's sickness. This extension should be formalised in the six month probation review with the new staff member.



## **8. Equality Act**

- 8.1 The Trust and Local Governing Body fully recognise their legal obligations to fulfil the requirements of the Equality Act and that a failure to comply with this duty will amount to an act of discrimination. In the event that this procedure is applied to an employee who is disabled under the Equality Act then a detailed investigation will be undertaken to ensure that the academy's legal obligations have been fully met, in particular with regard to an analysis of requests for reasonable adjustments, the implementation of those adjustments and the effects of these adjustments.
- 8.2 Absences due to an employee's disability under the Equality Act will not be taken into account when monitoring levels of sickness absence unless there is objective justification; for example where the impact of the absence on teaching and learning cannot be reasonably tolerated. Guidance must be obtained from the Trust's HR provider before any action is initiated.

## **9. False Information**

- 9.1. The provision of any false information could result in disciplinary action being taken, including the possibility of dismissal.

## **10. Attendance at Meetings**

- 10.1 Throughout this procedure, if an employee indicates that they are too unwell to attend a formal or informal meeting they will be given the option to:
- Meet in a neutral venue or at their home; or
  - Attend via telephone conference; or
  - Send a trade union representative or work colleague to represent them providing appropriate written consent; or
  - Provide a written submission; or
  - Request that the meeting takes place in their absence.
- 10.2 If an employee fails to communicate their wishes with regard to the above, the meeting may take place in their absence with the outcome communicated to them in writing. Meetings will not be postponed beyond 5 days unless there is medical evidence that the employee is not medically fit to take part by any of the means described above.
- 10.3 Visits to home would only take place in exceptional circumstances and only at the invitation of the employee.
- 10.4 Any senior manager visiting an employee's home will be accompanied by another manager; the employee will be entitled to be accompanied by a person of their choice at a home meeting.
- 10.5 A meeting may be adjourned if the employees line manager is awaiting receipt of information, needs to gather any further information or give consideration to matters discussed at a previous meeting. The employee will be given a reasonable opportunity to consider any new information before the meeting is reconvened.

## **11. Informal Procedure**

- 11.1 Return to Work Discussion

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

- Welcome you back to work
- Enquire after your health and explore whether you need any further support
- Explain what is regarded as an acceptable level of sickness and remind you of your responsibility to manage your own sickness
- Update you on any work developments whilst you were away and discuss the arrangements for your return, including any GP comments on your Fit Note.

The purpose of this meeting is to verify the reason for the absence and, where appropriate, offer assistance and support. Where appropriate, it is also an opportunity to identify any difficulties that the employee is experiencing in carrying out the duties of the post. The return to work discussion should be held as soon as possible after any period of sickness absence. It will be held in private. The manager needs to maintain a balance between concern for the employee's welfare, without being too intrusive into their personal circumstances, and for the need for him/her to be at work. A note of the meeting will only be made if there are action points arising from it. In that case the employee will be provided with a copy.

## 11.2 Sickness Absence Interviews

Sickness absence interviews will be arranged with employees whenever it is considered necessary and/or whose absence record falls into the following categories:

- 20 days or more long term absence
- 10 working days within 12 months
- 3 occasions of absence within 3 months
- unacceptable patterns of absence: or
- where work related stress or the possibility of some condition which may impinge on the employee's performance in carrying out their duties or their well being seems evident.

The Trust Board receives regular reports on sickness absence and will share trends with managers and Trade Union representatives.

In preparation for the sickness absence meeting the Manager will:

- Consider the academy's statistical data on levels and types of sickness absence for all staff to ensure consistency.
- Confirm that the "trigger" point has been reached or that the record shows a pattern of absence or some other factual data which identifies the cause for concern.
- Consider the job description and the impact of the absences on the work of the academy and on the work group
- Consider any evidence of possible causes of lack of well being or stress
- Consider, and if necessary prepare for options as described in Appendix A

- Ensure the employee has been provided with a copy of this Sickness Absence Policy and the process has been explained.

The line manager will use the Sickness Absence Interview Proforma at Appendix A as the agenda for the meeting and give the employee a completed signed copy after the meeting. Whilst there is no entitlement for the employee to be accompanied at an informal Sickness Absence Interview, it may be helpful to both parties. An employee may request this in advance of the meeting. A note taker may be present but that will not normally be necessary.

### 11.3 Monitoring Period Following Sickness Absence Interview

After conducting a sickness absence interview the line manager will review or monitor the employee's attendance for a further period, normally this will be for a period of one month and no longer than three months. Further interviews may take place during the monitoring period if there is more sickness absence.

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

During the monitoring period the Headteacher/line manager may require that any period of absence is covered by a medical certificate (Fit Note). If the employee has a fit note which states 'may be fit for work', the process in 5.2 will also be followed. If the suggested support cannot be reasonably accommodated in order to facilitate the employee's return to work, a decision may be made to move to the formal part of the procedure.

### 11.4 Where the line manager is of the view that the employee's attendance has not improved to acceptable standards after the review period, the line manager should either inform the employee that the issue will:

- be referred to Stage 1 of the formal procedure. A letter requiring attendance at a Stage 1 meeting will be sent to the employee
- or
- if there are exceptional circumstances, extend the review period.

## 12. Formal Procedure

### 12.1 Stages in the Process

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

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

- seek medical advice from occupational health;
- consider whether the employee has a disability under the Equality Act;

- consider any support, training and adjustments that have been requested or implemented and the outcome of these actions;
- whether there are any other work related issues.
- ensure that the employee has been consulted throughout the informal process;
- consider all of the circumstances and available information.

### **13. Preparation for Stage 1 Formal Meeting**

13.1 A Senior Manager will arrange a formal meeting with the employee, giving him/her at least 10 working days' notice, in writing, of:

- the reason for the meeting, outlining the concerns about the employee's attendance ;
- the time, date and location of the meeting;
- who will be conducting the meeting and who else will be present;
- copies of any documents to be referred to including any previous action plan;
- the employee's right to be accompanied and/or represented and to refer to any documents if he/she wishes; and
- the requirement, for the employee to provide 2 days prior to the meeting:
  - the name of his/her representative (if applicable); and
  - copies of any papers to be referred to and witnesses to be called (if applicable).

### **14. Stage 1 Meeting**

14.1 In the stage 1 meeting the Senior Manager will be supported by HR, or the meeting will be run by HR and recorded accordingly by an HR Administrator. In the meeting the following will be discussed:

- explain the purpose of the Stage 1 meeting;
- set out the standard(s) of attendance expected of the employee;
- explain how the employee's attendance has been assessed as falling below these standards and the effect of this on service delivery/colleagues;
- review the results of the informal procedure, including any measures taken to support the employee so far, any reasonable adjustments, any work related issues and any medical reports and advice received;
- give the employee and/or his/her representative the opportunity to explain any mitigating circumstances;
- try to establish the reasons, including any underlying causes, for poor attendance , and seek agreement from the employee for a further referral to Occupational Health if this is required;
- confirm, where appropriate, that the poor attendance is due to an ill-health issue;

- if appropriate inform the employee that they may wish to consult their pension scheme provider with regard to ill health benefits.
- discuss the way forward and determine an action plan that clearly identifies:
  - the improvements necessary to achieve the expected standards;
  - the timescale for improvement;
  - how attendance will be measured/monitored;
  - additional support/training to be provided; and
  - the review period, (normally one month and no more than three months);

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

- confirm the action plan in writing; and
- advise the employee that if he/she fails to achieve the improvements in the review period a Stage 2 meeting will be arranged where dismissal for lack of capability due to ill-health will be considered;
- confirm the employee's right to ask that another Senior Manager or Governor(s) review(s) the decision at an appeal meeting. Any appeal should be made in writing within 5 days of the date on which the decision was sent to the employee.

14.3 Stage 1 Review Period

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

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

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

## **15. Review Period Evaluation**

15.1 If, at the end of the review period, the employee's level of attendance and performance has improved to acceptable standards, no further action will be taken under this procedure, unless standards are not sustained during the next 12 months.

15.2 The decision to take no further action will be confirmed by the Senior Manager in writing, within 5 working days. This letter will also confirm that the improved attendance must be sustained consistently during the next 12 months and explain that if there are further issues the Sickness Absence procedure may be invoked at Stage 2. A copy of this letter will be kept on the employee's personnel file.

15.3 An employee, who sustains the improved performance consistently over the 12 month period, will receive a further letter to acknowledge his/her continued efforts and confirm that any future attendance issues will be dealt with informally in the first instance.

15.4 If at the end of the review period, the employee's attendance has not improved to acceptable standards then

- the issue will be referred to the Headteacher under Stage 2 of the procedure.

Or

- in exceptional circumstances the review period will be extended.

15.5 If the employee is in a Pension Scheme, s/he will be given the option to explore eligibility for an ill health pension award prior to convening a Stage 2 Meeting.

## **16. Preparation for a Stage 2 Meeting**

16.1 The Senior Manager with the support from HR will hold a formal meeting with the employee giving him/her at least 5 working days' notice, in writing, of:

- the reason for the meeting, outlining the outstanding concerns about the employee's work attendance due to ill-health;
- the time, date and location of the meeting;
- who will be conducting the meeting and who else will be present;
- any documents to be referred to in the discussions, including, as appropriate, previous action plans, notes of the monitoring process, copies of reports received from Occupational Health;
- the employee's right to be accompanied and/or represented and to refer to any documents he/she wishes, copies of which should be sent to the Senior Manager 3 days in advance of the meeting; and
- the possible consequences of the meeting, i.e. that it may result in the employee's dismissal on the grounds of lack of capability due to ill-health.

## **17. Stage 2 Meeting**

17.1 In the stage 2 meeting the Senior Manager will be supported by HR, or the meeting will be run by HR and recorded accordingly by an HR Administrator. In the meeting the following will be discussed explain the purpose of the Stage 2 meeting;

- ask the Senior Manager to outline:
  - the ways in which the employee has been assessed as not meeting the expected work attendance standards due to ill-health; and
  - the process so far under the Absence & Attendance procedure;
- review in detail, as appropriate,
  - standards of attendance/performance expected;
  - details of Sickness Absence Interview meetings, records of home visits or other meetings

plus any other information relating to the informal action taken;

- monitoring of attendance against action plans;
- medical advice received from Occupational Health; and
- measures taken by management to support the employee, e.g. reasonable adjustments;
- discuss with the employee and his/her representative whether, the employee has been assessed as achieving the required improvements in attendance;
- review the effect of the poor attendance on teaching and learning, service delivery and work colleagues;
- explore, as appropriate, the potential for to employee to achieve a sustained improvement in attendance;
- give the employee and/or his/her representative every opportunity to answer the points made and to give an explanation or put forward any mitigating circumstances; and
- discuss any options regarding the employee's pension that may be available.

## **18. Stage 2 Decision**

18.1 Following the discussions the Headteacher/Senior Manager or HR will adjourn the meeting to consider the options available including:

- to take no further action under the procedure;

or

- to set a further/final review period to allow for additional monitoring and/or additional management support. A further formal Stage 2 meeting will be held at the end of this review period. If attendance is not satisfactory by that time, then the employee will be dismissed for lack of capability due to ill-health.

or

- to dismiss the employee for lack of capability due to ill-health ensuring that alternative work options have already been explored or will be explored during the employee's notice period, that there is no prospect of their return within a reasonable timeframe, or that they will be able to achieve or sustain their attendance.

## **19. Dismissal**

19.1 If the decision at the Stage 2 meeting is to dismiss, the Headteacher will inform the employee and his/her representative, orally, that the employee is dismissed, with the required contractual or statutory notice, on the grounds of lack of capability due to ill-health.

19.2 The Headteacher or HR will confirm in writing, to the employee within 5 working days:

- that he/she has been dismissed;
- the grounds for dismissal and the reasons;
- the required contractual or statutory notice due and the date the dismissal will be effective;

- the employee's right of appeal to an Appeals Committee of the Governing Body against the dismissal.

19.3 In some cases it may be appropriate for the employee not to work his/her notice, but to remain at home on paid leave. In this situation a PILON (Payment In Lieu of Notice) will be made to the employee.

## **20. Appeals against Dismissal**

20.1 An employee has the right to appeal against a dismissal decision. Any appeal must be submitted within 7 days of receipt of the letter confirming the dismissal and must clearly state the grounds for appeal. All appeals against dismissal will be heard by Appeals Committee of the Local Governing Body. The purpose of an appeal hearing is to review the decision made to dismiss the employee and to decide if this decision was reasonable in all the circumstances. The appeal hearing will be held as soon as practicable, and the employee will have the right to representation at the hearing by a trade union representative or work colleague.

20.2 The Appeals Committee of the Local Governing Body has the authority to:

- uphold the appeal (i.e. to reinstate the employee);

and/or

- issue a lesser level of management action, e.g. to:
  - drop the formal process;
  - refer to a lower stage in the formal process; and/or
  - reduce standards of attendance or targets set in the action plan;

or

- dismiss the appeal, i.e. the decision to dismiss remains in force.

20.3 The decision of the Appeals Committee of the Local Governing Body is final. The employee has no further right of appeal.

20.4 The designated Academy HR Officer or HR representative must be present at all appeal hearings

## **21. Links to other policies**

- Health and Safety Policy
- Menopause Policy



## Appendix A - Strictly Confidential Sickness Absence Interview Record

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

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

### Details of Sickness Absence

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

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

### Details of Meeting

Key points discussed
Reasons for absence – underlying medical condition?
The objective is that attendance will be 100%. Is there anything the employer can do to improve attendance, e.g. OH referral, counselling, a review of risk assessment, temporary adjustments, training?

<p>Are you fully recovered and able to resume full duties? Yes                      No</p> <p>If your view is "no" then action plan must consider</p> <p>Referral to OH</p> <p>Temporary adjustments</p>
--

<p><b>Action Plan</b></p>
<p>Is your absence in any way related to work?</p>  <p>Are you doing all you can to improve your attendance?  e.g. Act on medical advice, lifestyle choices, attention to work life balance, non-medical support, e.g. counselling</p>

<p>Fit note required for any period of absence during the monitoring period?  <i>(see paras 3.1 and 11.3)</i></p> <p>Yes    No</p>
--

<p><b>Review</b></p> <p>Attendance will be reviewed in  1 month   2 months   3 months                      Date of review: _____</p> <p>Please note that further absence during this period may mean that the review is held under Stage 1 of the formal procedure.</p>
---

<p>Copy of Sickness Absence Policy and Procedure has been provided and process explained.</p> <p>Yes            Date _____                      No  <i>(must be provided and explained prior to a formal meeting)</i></p>
---

<p>Signature of Manager.....</p> <p>Signature of Employee.....</p>	<p>Date .....</p> <p>Date .....</p>
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### **Guidance notes for managers – the sickness absence interview**

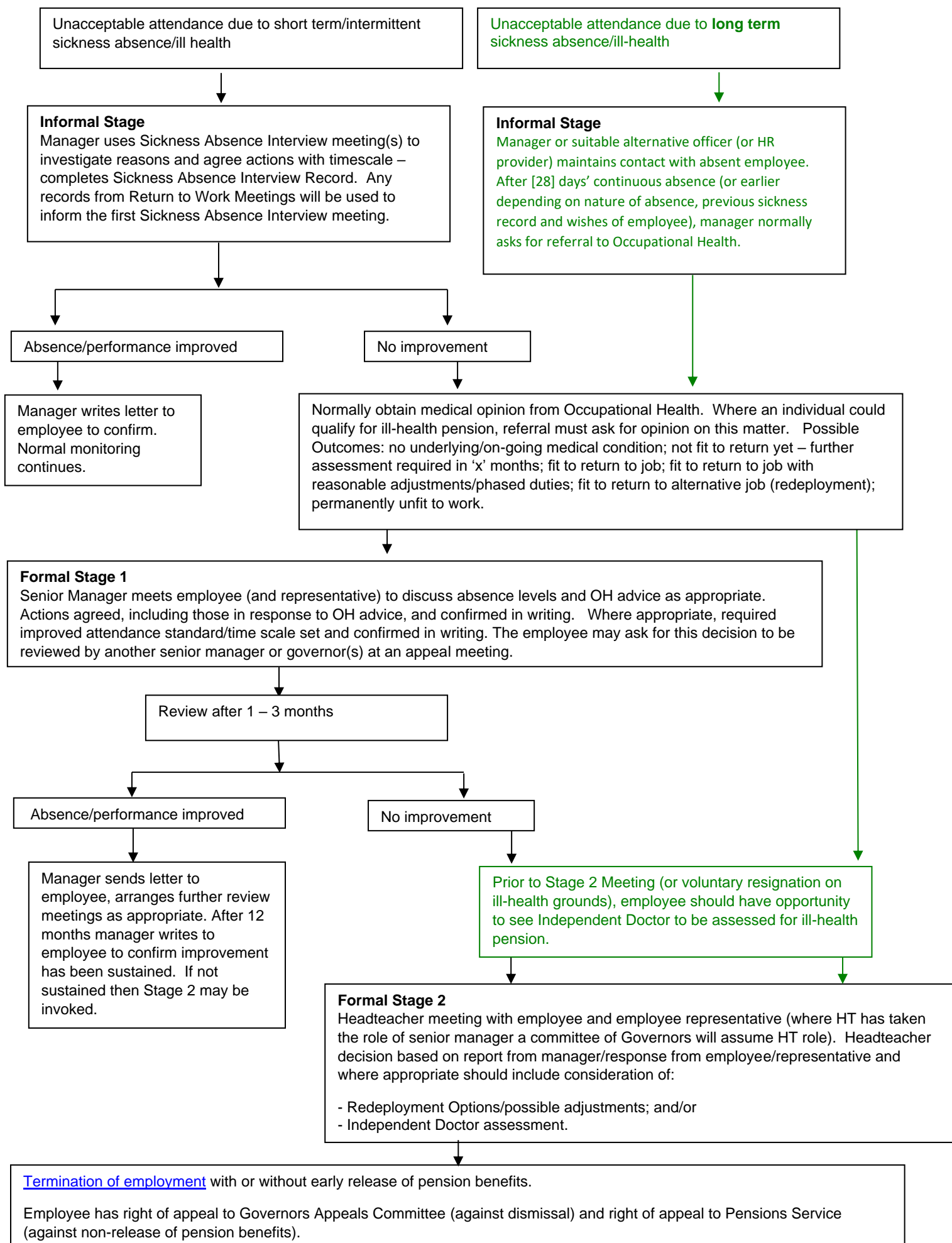
It is important to ensure a welcoming environment. Part of the introduction should include an opportunity for the manager to update the employee on relevant events and changes.

Employees should be reminded of the value of their contribution, how their work has been covered in their absence and the impact of this.

During the interview it should be discussed as to whether absence is related to work in any way and whether the employee can identify anything that can support them in their attendance

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

## Appendix B - Sickness Absence Procedures Flowchart



## Appendix C - Model Letter: Notification of Stage 1 Sickness Absence Meeting

Dear

### Notification of Stage 1 Sickness Absence Meeting

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

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

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

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

First working day of sickness absence	Last working day of sickness absence	Number of working days lost	Reason(s) for sickness absence

The Stage 1 Absence Review Meeting will take place on (date) at (time) in (Location) and will be chaired by me. You are entitled to be accompanied at the meeting by a work colleague or trade union representative. It is your responsibility to arrange for a representative to accompany you to the meeting. If, for any reason, you or your representative are unable to attend the meeting, please let me know as soon as possible so that an alternative date may be considered within 5 working days of the proposed date. In the event that you are unable to attend then I will review the position in

your absence but your representative may attend on your behalf if you wish. I enclose a copy of the Sickness Absence Policy and Procedure and copies of the Sickness Absence Interview Records and other documents that may be referred to at the meeting.

Please confirm your attendance (in writing or email) to [office@mundford.dneat.org](mailto:office@mundford.dneat.org) or [ooffice@gooderstone.dneat.org](mailto:ooffice@gooderstone.dneat.org)

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

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

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

Yours sincerely

Senior Manager

## Appendix D - Model Letter: Outcome of First Sickness Absence Review Meeting

Dear

### Outcome of Stage 1 Sickness Absence Review Meeting

I refer to the Stage 1 Sickness Absence Review Meeting on (date) and write to confirm the outcome.

*Insert the points discussed under each heading below*

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

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

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

You may have this decision reviewed at an appeal meeting. If you wish to do so, then you should write to me within 5 days of receipt of this letter explaining the reasons why.

Yours sincerely

Senior Manager

## Appendix E – Guidelines on conducting a return to work discussion

### 1.1 Preparing for the Discussion

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

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

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

### 1.2 Conducting the Discussion

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

1. Welcome back
2. Discuss the reason for the absence
3. Any effects of absence
4. If relevant any further action including changes to working arrangements
5. Completion of formalities

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

#### 1. Welcome back

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



all cases explain the purpose of the discussion and make it clear that it is routine to conduct one with all members of staff who are absent due to sickness absence.

## 2. Discuss the absence

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

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

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

## 3. Any effects of absence

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

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

## 4. Future action

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

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

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

## 5. Completion of formalities

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

### **RETURN TO WORK DISCUSSION**

#### *Introduction*

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

The purpose of the return to work discussion is to:

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

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

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

**Appendix F - Return to Work Interview Form**

**Details Of Meeting**

**Name:**

**Date Of Meeting:**

**Attendees:**

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

***Summary Of Key Points Discussed:***

***Review Dates Or Action Required:***

***Agreed Timescale For Improvement (If Appropriate):***



Signed: ..... Date: .....

Manager

Signed: ..... Date: .....

Staff Member

## Appendix G – Employee Self-Certification Form

Strictly Confidential – Diocese of Norwich Education and Academies Trust / Diocese of Norwich St Benet’s Multi Academy Trust

### Employee Self-Certification Form

To be completed by all members of staff absent for a half day or more and returned to the colleague in the department/section responsible for maintaining sickness records. If anyone would like this form in a different format, they should contact the HR Helpdesk.

#### 1. Confidentiality

Sickness absence information is held electronically and will be processed in accordance with the Data Protection Act 2018 and the General Data Protection Regulations. The data will be used for statistical analysis in an anonymous form and made available to help meet the Trust’s obligation to ensure the health, safety and welfare at work for all colleagues.

2. Last Name ..... First names .....

Section/Department ..... Staff Payroll No .....

#### 3. Length of Absence:

First day of Sickness ..... day ..... date ..... time

Last day of Sickness ..... day ..... date ..... time

Total number of working days absent .....

#### 4. Reasons for Absence (please select from the list overleaf with any appropriate additional detail)

.....  
.....  
.....

Did you receive medical treatment during your absence? YES / NO

If so, please state where and when .....

.....  
.....

Do you believe that your illness is as a result of an occupational injury/disease? YES / NO

#### Declaration

I declare that I have not worked during the period of sickness and that the above statement is true and accurate to the best of my knowledge. I understand that to give false or misleading information can result in disciplinary proceedings which may lead to dismissal, and that a false declaration can be an offense under statute and common law.

Employee’s signature ..... Date .....

#### Supervisor’s/Line Manager’s Signature

I confirm that a back to work interview has been conducted.

..... Date .....

## **Strictly Confidential**

### **Reasons for Absence**

Allergies, Hay Fever  
Anaemia  
Anxiety, Depression, Nervous Illness  
Asthma  
Back, Neck and Spinal disorders  
Blood Pressure disorders  
Cancer, Chemotherapy  
Chest conditions  
Cough, Cold, Tonsillitis etc,  
Dental disorders  
Diabetes  
Disability-related conditions  
Ear conditions including Vertigo  
Epilepsy  
Exhaustion, Fatigue  
Eye conditions  
Face and Mouth disorders  
Gynaecological disorders  
Head Injury, Concussion  
Headache, Migraine  
Heart conditions  
Hernia  
Hospital Visit  
Infectious Diseases e.g. Measles  
Influenza/Swine Flu  
Joint Pain e.g. Arthritis  
Kidney and Bladder disorders  
Lower limb injury  
Operation  
Post-operative recovery  
Pregnancy-related conditions  
Skin conditions  
Stomach disorders  
Stress-related illness  
Upper limb injury  
Wounds or Burns

Where none of the above reasons is appropriate, use "Other" and give details.

A reason should be given in all but exceptional circumstances which should be discussed with the DoNESC Human Resources Team.