



Thinking Schools Academy Trust
“Transforming Life Chances”

Managing Absence & Ill Health Policy

This policy was adopted on	September 2015
The policy is to be reviewed on	

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Part A – Policy

1 Policy Statement

The Academy is committed to supporting the health, wellbeing and attendance of all Employees. The Academy expects a high level of attendance and requires each Employee to take responsibility for achieving and maintaining good attendance.

The Academy recognises that on occasions Employees may be absent from work due to ill health (including disability) and that health issues may also impact on performance in the workplace.

The Academy is committed to supporting an Employee during a period of absence with the aim of assisting their return to work and maintaining the required levels of performance. The Academy also recognises its obligations under the Equality Act 2010.

Advice may be sought from an occupational health advisor or personnel provider in the management of ill health issues.

An Employee will be advised of the possible consequences of their absence, including if their employment is at risk.

The Academy will seek to balance the needs of the Academy with the needs of the Employee. Where an Employee is unable to discharge the duties of their post due to ill health and all reasonable alternative options have been exhausted, consideration may be given to terminating employment.

This procedure explains:

How the Academy will manage absence and ill health issues in a fair and consistent manner

- What is expected from the Headteacher/ Principal and Employees with regards to the reporting and management of absence and ill health.

It does not address absences for reasons other than personal sickness. Non sickness related absences are covered by other procedures.

For teaching staff this policy complies with the Conditions of Service for School Teachers in England & Wales Document 2000 (Burgundy Book) and specifically Section 4 therein.

2 Responsibilities of the Academy

- To ensure all Employees are aware of the absence management procedures
- To ensure sickness absence is accurately recorded, monitored and reviewed effectively
- To take appropriate management action where absence and ill health related under performance are causing concern
- To make suitable arrangements to discuss absence and the impact of this – including absence review meetings and return to work discussions
- To discuss / identify with Employees support and strategies for improving attendance and work performance or facilitating a return to work
- To keep in regular contact with an absent Employee and make them aware should their employment be at risk
- To consider workplace adjustments that may facilitate and or improve an employee's attendance at work
- To consider termination of employment only after other potential options have been explored

- To provide a working environment conducive to enabling the Employee to perform safely
- To take reasonable action to maintain Employee's confidentiality in matters relating to health.

3 Responsibilities of the Employee

- To ensure attendance meets the required standards
- To make his / her Headteacher/ Principal aware of any health issues that may be impacting on their ability to maintain good attendance and performance
- To comply with the Academy's absence notification and certification requirements
- To attend meetings where able in connection with the management of absence issues (ie return to work meetings, absence review meetings, Occupational Health appointments)
- To work with their Headteacher/ Principal to identify support and strategies for improving attendance or facilitating a return to work where possible.

4 Scope

This Policy and Procedure applies to all Employees of The Thinking Schools Academy Trust.

5 Adoption Arrangements and Date

This procedure was adopted by the Board of Directors of The Thinking Schools Academy Trust on 1st September 2015 and supersedes any previous Absence Management Policy and Procedure.

This policy will be reviewed by the Board of Directors every 4 years or earlier if there is a need. This will involve consultation with the recognised unions.

6 Delegated Responsibility

The management of ill health issues may be delegated to staff other than the Headteacher/ Principal. References to the role of the Headteacher/ Principal in the policy and procedure include his / her nominee

Informal Action

Informal action may be delegated to line managers where appropriate.

Formal Action

Formal hearings to consider matters short of dismissal may be delegated to another manager or the Headteacher/ Principal.

Where matters are heard by a manager - appeals against any sanction imposed will be heard by the Headteacher/ Principal. Where the Headteacher/ Principal has considered the matter – appeals will be heard by a panel of one or more governors

Dismissal Decisions

In this Academy responsibility for dismissal decisions has been delegated to the Headteacher/ Principal, therefore formal hearings to consider dismissal may be heard solely by the Headteacher/ Principal. If The Head teacher is to be involved in the dismissal hearing all previous stages and meetings should be delegated to senior managers.

A panel of three governors may be convened to hear the matter in situations where it is not appropriate for the Headteacher/ Principal to perform this function.

Appeals will be heard by a panel of three governors who have had no prior involvement in the matter under consideration.

Staff governors should not usually be a member of a governor panel and where they are must ensure that they can deal with the matter impartially and objectively.

The following table sets out the provisions which would normally apply.

Informal Action taken by	Formal hearing heard by	Appeal heard by
Line Manager	Another more senior Manager or Headteacher/ Principal - for matters short of dismissal Headteacher/ Principal – where dismissal is a possible outcome	Headteacher/ Principal or 1 or more governors
Headteacher/ Principal	3 governors	3 governors

Matters relating to the Headteacher/ Principal

Where the Headteacher/ Principal is absent the same principles in relation to reporting, certification and management will apply and will be addressed by the Chair of Governors or CEO.

Informal action may be delegated to the Chair of Governors or CEO.

Formal hearings will be heard by a panel of one or more governors who have had no prior involvement in the matter under consideration.

Appeals will be heard by a further panel of one or more governors who have had no prior involvement in the matter under consideration.

Staff governors should not usually be a member of a governor panel and where they are must ensure that they can deal with the matter impartially and objectively.

Informal Action taken by	Formal hearing heard by	Appeal heard by
Chair of Governors	3governors	3governors

In instances where there are insufficient governors available to sit on a hearing or appeal panel, the Academy may co-opt other academy governors suitable to hear the case.

7 Right to Representation

An Employee is entitled to be accompanied to a formal hearing or appeal by either a workplace colleague or Trade Union Representative.

A workplace colleague or Professional representative is also able to attend formal meetings held under this procedure, including formal absent review meetings.

An Employee may be accompanied by a workplace colleague or Professional Association representative at informal meetings. However it should be noted that the presence of a representative does not make the meeting formal.

Part B - Procedure

8 Notification of Absence

Employees should, wherever possible, report sickness absence to their Headteacher/ Principal or other nominated person by telephone as soon as possible on their first day of absence before the start of the working day and no later than 1 hour before their start time. Contact should be made by the Employee in person and not by a third party, unless unavoidable.

Employees should state:

- The reason for their absence / nature of their illness
- The estimated period of absence where known.

If the Employee does not contact their Headteacher/ Principal by the required time the Academy should attempt to contact the Employee by telephone.

Repeated failure to follow these notification requirements may be addressed in accordance with the Academy's Disciplinary Procedure.

9 Absences up to and including 7 calendar days

Employees will be required to complete and submit a self-certification form on return to work for all periods of sickness absence not exceeding seven days, inclusive of rest days, public holidays and Academy closure periods.

Where an Employee attends work but later goes home sick during the day – pay will not be deducted and this will not be regarded as a sick day for contractual sick pay purposes. However such absences will be recorded and considered for absence monitoring purposes.

10 Absences of more than 7 calendar days

A Statement of Fitness for Work 'fit note' is required if a period of absence lasts for eight days or more inclusive of rest days, public holidays and Academy closure periods.

11 'Fit Note' Provisions

Should a 'fit note' indicate that an Employee is 'not fit for work' they should remain on sick leave until the expiry of the note. There is not a requirement for the Employee to be signed 'fit for work' by a medical practitioner before returning.

Should the Employee feel fit to return to work prior to the expiry date of the note, the Academy will give this request due consideration and may undertake a workplace risk assessment to establish whether the Employee is fit to return to work early. The Academy reserves the right to ask that the Employee remains on sick leave until the expiry of the note should they feel it is not appropriate for the individual to return.

Should a 'fit note' indicate that an Employee 'may be fit for work' the Academy will discuss with the Employee ways of helping them get back to work. This may include agreeing a phased return to work, amended duties or work place adjustments for a temporary period.

If it is not possible for the Academy to provide the support an Employee needs to return to work, or an Employee feels unable to return, then the statement will be used in the same way as if the GP advised that the Employee was 'not fit for work'.

12 Sick Pay Entitlement

The contractual sick pay entitlement for teachers is in accordance with the Burgundy Book / as set out in the contract of employment

The contractual sick pay entitlement for support staff is set out in the contract of employment.

In exceptional circumstances the Academy has discretion to extend contractual sick pay. This will be considered on a case by case basis.

Statutory sick pay will be paid to qualifying staff in accordance with statutory provisions.

13 Sick Pay Requirements

Payment of sick pay is conditional upon meeting both statutory and Academy requirements concerning absence notification and medical certification. Appropriate certification is required for the entire period of absence including Academy closure periods and non working days.

Failure to follow these requirements or provide certification in a timely manner may result in the absence being regarded as unauthorised and in exceptional circumstances the Academy reserves the right to withhold pay.

The making of false sickness declarations will be addressed in accordance with the Academy's Disciplinary Procedure.

14 Contact during a period of absence

The Academy requires Employees to maintain reasonable contact with the Academy during any period of absence, presenting medical certificates in a timely manner and attending review meetings as requested and fit to do so.

Where an absence is for three calendar days or less it is expected that the Employee will contact the Academy each day, unless agreed otherwise.

Where an absence lasts more than three calendar days, the Employee must keep their named contact updated with the situation at agreed intervals until a return date is known.

If the absence is likely to be longer term it is expected that the Headteacher/ Principal and Employee will discuss how best to maintain contact at agreed intervals. Consideration will also be given on how best to keep the Employee updated with Academy news and events during their absence.

In certain circumstances it may not be appropriate for the Employee and their Headteacher/ Principal / line manager to speak (e.g. in instances where the absence is due to work related stress). Consideration

may be given to identifying another appropriate manager to act as a contact point or to facilitate meetings. Only in exceptional circumstances will the Headteacher/ Principal consider a person other than the Employee such as a trade union representative being the point of contact with the Academy.

15 Referral to Occupational Health

Where health issues are impacting on an Employee's attendance or performance, the Academy should seek advice from an Occupational Health Advisor or other appropriate health advisor in order to inform management action or support.

It is the Academy's policy to usually make a referral to an Occupational Health Advisor in the following circumstances:

- During a period of longer term continuous absence.
- Following frequent or recurring short term absence which is giving rise to concern. As a guide a referral may be made in instances where there have been 3 periods of short term absence within a 6 month period – although this may vary depending on individual circumstances
- Where an injury or illness may have an impact on the Employee's ability to undertake their job role
- Where an Employee has a degenerative condition or disability which is or may be impacting on their ability to undertake their job role
- When an application for ill health retirement is made.

The advice of an Occupational Health Advisor may be sought to:

- To identify how an Employee's health or medical condition may impact on their attendance or ability to undertake their job
- To ascertain when or if an Employee will be fit to return to work in the foreseeable future
- To provide guidance on what support or adjustments could be made to facilitate a return to work
- To provide guidance on any adjustments which may support a disabled Employee in the workplace
- To provide guidance on the Employee's ability to attend formal meetings and investigations under any other procedure whilst absent
- To advise how an Employee may be able to improve their health and wellbeing.

An Occupational Health Advisor may refer to the Employee's GP or other medical specialist for further information regarding the Employee's medical condition.

It is expected that all Employees will consent to a referral being made to an Occupational Health Advisor when reasonably asked to do so. Where consent is refused the Academy may make decisions about the management of an ill health issue based on the available information and without the guidance of an Occupational Health Advisor

Any written report provided by an Occupational Health Advisor will be shared with the Employee. On receipt of the report from the Occupational Health Advisor a review meeting will usually be convened.

If an Employee's absence becomes long term the Academy may request further advice from an Occupational Health Advisor, as necessary.

16 Return to Work Meetings

Employees may be required to meet with their Headteacher/ Principal or other delegated manager on their return to work, regardless of the duration of their absence. The nature of the meeting will depend on the circumstances.

The purpose of this meeting is to:

- Discuss the reason and cause of the absence
- To consider any concerns regarding attendance, levels or patterns of absence
- Confirm that the Employee is fit to return
- Discuss and agree any support that the Employee may need to return to work and sustain a successful return, including recommendations made by a GP or Occupational Health Advisor
- To update the Employee on anything they may have missed during their absence.

In complex cases, where absence has been long terms and/or where disability is a factor and instances where an Employee has been absent from work for some time – it may also be useful for a professional association representative or workplace colleague to attend this meeting.

A written record of the return to work meeting will be made and kept on the Employee's personnel file for absence monitoring purposes. Please see Appendix 2 for model template for meeting.

Depending on the reason and length of the absence the Headteacher/ Principal may agree further follow up meetings to help ensure that the Employee makes a successful and sustained return to work.

17 Reasonable Adjustments and supporting a return to work

The Academy will seek to provide all reasonable support to enable an Employee to make a successful and sustained return to work following a period of absence or to maintain their performance in the workplace.

The Academy will give due consideration to any reasonable and practicable adjustments recommended in a 'fit note' or by an Occupational Health Adviser or requested by an Employee, as required by the Equality Act 2010.

When considering possible adjustments the Academy will need to balance the needs of the Employee with what is realistic and practicable given the size and resources of the organisation.

The degree to which an Employee will need support and the nature and duration of any adjustments will be determined by the circumstances and will arise from discussion between the Employee and the Headteacher/ Principal.

Where appropriate a referral to the DWP's Access to Work Programme may be made to establish if additional support, assistance (either financial or otherwise) may be provided.

Adjustments may include consideration of:

- A phased return to work
- Adjustments to the working environment
- The outcome of any risk assessment
- A temporary alteration of duties or pattern of work
- Provision of additional equipment to assist the Employee in their duties

- Providing time off for medical treatment or appointments
- Arranging temporary additional support in the workplace
- Redeployment to another role in the Academy or local Trust school.
- Greater discretion in dealing with periods absence

Any agreed supportive measures will be confirmed in writing.

Timescales for phased returns to work will be discussed in advance and medical advice sought to determine when the employee will be able to return to their normal working hours and/or days. During the first 4 working weeks of a phased return, the employee will be paid their normal contractual salary. If a phased return extends beyond four working weeks then the employee will be paid on the basis of hours actually worked. If the staff member is an all year round employee and has already accrued annual leave, they may request this to make up any time that they are not at work.

18 Short Term Absence

18.1 Informal Action

In instances of repeated or persistent short term absences causing concern the Headteacher/ Principal will seek to address this informally at an early stage by meeting with the Employee. As a guide this would usually be 4 separate occasions or 10 days in a 12 month period, this may vary depending on individual circumstances. The Headteacher/Principal should seek advice on individual cases with HR.

The purpose of this meeting is to:

- Advise the Employee that their level of attendance is unacceptable and discuss how the level of absence is impacting on the individual's performance and the Academy
- Explore reasons for absence and give the opportunity for the Employee to raise any health or other concerns arising from within or outside the workplace that may be impacting on their attendance
- Identify any support that the Academy may be able to provide or any action the Employee can take to improve or sustain attendance
- Agree any follow up action including making a referral to an Occupational Health Advisor or counselling service or undertaking a risk assessment where appropriate
- Explain the Academy's expectations regarding attendance
- Advise the Employee that should an acceptable level of attendance not be achieved and sustained – a future formal meeting to review your attendance could be held in line with the Absence Management Policy.

The employee should be given reasonable notice of such a meeting in advance and is permitted to request accompaniment of a workplace colleague or professional association representative.

The Academy reserves the right to move straight to a Formal Absence Meeting where the circumstances warrant and remain relevant, including instances where concerns about the Employee's short term absence have previously been addressed formally.

The meeting should be recorded on the Informal Short Term Absence Meeting Form (Appendix 3) a copy of which should be sent to the Employee and placed on their personal file.

18.2 Monitoring of Attendance following Informal Action

In most instances it is anticipated that the level of attendance will improve and informal monitoring will continue to ensure satisfactory attendance is sustained. However in circumstances where an Employee's attendance does not show acceptable improvement the Academy may move to a first formal absence meeting.

In instances where it is suspected that the reason for the absence is not genuine, the matter may be treated as a conduct issue and be addressed under the Academy's Disciplinary Procedure.

18.3 First Formal Absence Meeting

Where attendance does not show acceptable improvement after an informal meeting a first formal absence review meeting will be convened.

An Employee will be given 5 working days written notification of the first formal absence meeting and it will inform the employees of the right to be accompanied by a Trade Union Representative or work colleague.

This meeting will be conducted by the line manager / Headteacher/ Principal.

The purpose of this meeting is:

- For the Headteacher/Principal to **Specify/reiterate** the standards required
- **Define** the extent to which these standards are not being achieved (where applicable),
- **Define** the nature and frequency of any support to be provided where applicable, the frequency of the monitoring process and the dates of interim progress and formal review meeting.
- Agree any follow up action including making a referral to an Occupational Health

The employee should be fully involved in the discussion and given an opportunity to discuss his/her case, answer questions, ask questions, explain any difficulties encountered, and discuss the ways and means by which the issues can be resolved.

There are two possible outcomes from the meeting; set a monitoring period or discontinue the formal procedure as the Headteacher/Principal is satisfied that the issue has now been resolved. The Headteacher will inform the employee of the outcome at the conclusion of the meeting.

If a monitoring period is set, the Headteacher will reiterate the standards required, the extent to which they are not being reached and that failure to improve to the required standard over the monitoring period could lead to a written warning at the next formal review meeting. The employee should be informed of support/monitoring and the time period within which the next review will take place. The review period may vary depending on the circumstances of the case but will usually be within 4-12 working weeks and the review meeting can be called forward if employee fails to meet the objective during the period.

Within 3 working days, all the information as stated above should be confirmed in writing to the employee. A copy of this letter will be kept on the employee's personal file

If the formal procedure is discontinued, the Headteacher should then continue to monitor the situation as part of the usual day to day management and set a date to discuss again informally.

18.4 First Formal Absence Review Meeting

An Employee will be given 5 working days written notification of the first formal absence review meeting and it will inform the employees of the right to be accompanied by a Trade Union Representative or work colleague. The employee will be advised that a formal warning may be an outcome.

The Headteacher/Principal will review the absence throughout the monitoring period formally at the meeting.

The purpose of this meeting is to:

- Review progress towards attendance targets and set further targets and timescales for improvement
- If continuing absence occurs, to explore and the impact this is having on the individual's performance and the Academy
- Give the Employee the opportunity to respond to the concerns about their attendance and make any relevant representations or present any mitigating factors
- Consider any relevant advice received from Occupational Health or whether such advice should be sought
- Consider the impact of any support / workplace adjustments which have been put in place and any further support which may be of benefit
- Consider whether the Employee will be able to achieve and maintain a satisfactory level of attendance
- Advise the Employee that should an acceptable level of attendance not be achieved and maintained – the termination of employment may be considered
- Agree when / how a further meeting will be held to review attendance. The review period may vary depending on the circumstances of the case but will usually be within 4-12 working weeks and the review meeting can be called forward if employee fails to meet the objective during the period.

The outcome of this meeting may be:

- To discontinue the formal procedure. The headteacher/Principal should then continue to monitor the situation as part of the usual day to day management.
- To adjourn the meeting to seek further information or advice e.g. from an Occupational Health Advisor or explore alternative options such as ill health retirement or redeployment, where appropriate
- To issue a **first** formal written warning on the grounds of unsatisfactory attendance. And continue a further period of formal monitoring in which the Employee will need to achieve and sustain a satisfactory level of attendance. The review period may vary depending on the circumstances of the case but will usually be within 4-12 working weeks and the **Second formal review meeting** can be called forward if employee fails to meet the objective during the period.

If the seriousness of the attendance concerns warrant, a **final** formal written warning may be issued on the grounds of unsatisfactory attendance. And continue a further period of formal monitoring in which the Employee will need to achieve and sustain a satisfactory level of attendance. The review period may vary depending on the circumstances of the case but will usually be within 4-12 weeks and the review meeting can be called forward if employee fails to meet the objective during the period. If this is the case the meeting will take the form of a **Hearing to consider unsatisfactory attendance** meeting The Headteacher/ Principal should provide the Employee with written confirmation of what was discussed and the outcome of the meeting usually within 5 working days of the decision being made.

Where a formal written warning is issued the outcome letter should specify:

- The reason for the warning and how long this will remain 'live'
- The improvement in attendance that is required and the timescale to achieve this, and the review period
- Any agreed workplace adjustments / supportive measures
- When a further review of attendance will take place
- Advise the Employee that should an acceptable level of attendance not be achieved or maintained – further formal action, including the termination of employment, may be considered
- Advise the Employee of their right of appeal against a formal warning.

An Employee may appeal in writing against any formal warning within 5 working days of receipt of the written outcome.

18.5 Second Formal Absence Review Meeting

An Employee will be given 5 working days written notification of the Second formal absence meeting and it will inform the employees of the right to be accompanied by a Trade Union Representative or work colleague.

This meeting will be conducted by the Headteacher/ Principal. The meeting will take the structure and contents of 16.5 First Formal review meeting. With the possible outcomes:

- To continue a further period of formal monitoring in which the Employee will need to achieve and sustain a satisfactory level of attendance
- To adjourn the meeting to seek further information or advice e.g. from an Occupational Health Advisor or explore alternative options such as ill health retirement or redeployment, where appropriate
- To issue a final formal written warning maybe issued on the grounds of unsatisfactory attendance and continue a further period of formal monitoring in which the Employee will need to achieve and sustain a satisfactory level of attendance. The review period may vary depending on the circumstances of the case but will usually be within 4-12 working weeks and the review meeting can be called forward if employee fails to meet the objective during the period. If this is the case the meeting will take the form of a Hearing to consider unsatisfactory attendance meeting.
- To discontinue the formal procedure. The headteacher/Principal should then continue to monitor the situation as part of the usual day to day management.

The Headteacher/ Principal should provide the Employee with written confirmation of what was discussed and the outcome of the meeting usually within 5 working days of the decision being made.

Where a final formal written warning is issued the outcome letter should specify:

- The reason for the warning and how long this will remain 'live'
- The required improvement in attendance that is required and the timescale to achieve this
- Any agreed workplace adjustments / supportive measures
- When a further review of attendance will take place
- Advise the Employee that should an acceptable level of attendance not be achieved or maintained – further formal action, including the termination of employment, may be considered
- Advise the Employee of their right of appeal against a formal warning.

An Employee may appeal in writing against any formal warning within 5 working days of receipt of the written outcome.

18.6 Hearing to consider unsatisfactory attendance

Should attendance not improve to an acceptable level or should satisfactory attendance not be sustained within the review period following a Final warning, the Employee will be advised in writing of the requirement to attend a hearing to consider unsatisfactory attendance.

The Employee will be given written notification of the date, time and venue of the hearing. This will not be less than 10 working days' notice. The notification will advise the Employee of the case to be considered and possible outcomes of the hearing – including that dismissal may be an outcome.

The Academy will provide the employee with all relevant documents which will be referred to during the hearing with the notification letter and in any case no later than 10 working days before the hearing.

The Employee has the right to be accompanied at this meeting by a workplace colleague or trade union representative.

The Employee is required to provide, no later than 5 working days before the hearing:

- Relevant documents they wish to be considered.

During the hearing the Employer will present the case for a dismissal and the Employee will be given the opportunity to respond.

In reaching a decision, the manager hearing the case / panel may consider:

- The length of the Employee's employment and attendance record
- The impact of the Employee's attendance on their workplace performance and on the Academy and whether this can be sustained

- Whether any progress has been made towards attendance targets
- Whether there is any identifiable medical condition which is preventing the Employee from achieving good attendance
- Any specialist advice that has been received regarding the Employee's condition, and their current and future ability to undertake the job role
- The impact of any measures / reasonable adjustments that have been put in place to support the Employee
- Whether all alternative options have been discussed – including redeployment and ill health retirement, where appropriate

The outcome of this meeting may be:

- To continue a further period of formal monitoring in which the Employee will need to achieve and sustain a satisfactory level of attendance
- To recommend further information or advice is sought (e.g. from an Occupational Health Advisor) or to explore alternative options such as ill health retirement or redeployment, where appropriate
- To issue a formal written warning on the grounds of unsatisfactory attendance if such a warning has not already been issued
- To dismiss the Employee with notice on the grounds of unsatisfactory attendance or capability due to ill health.

The Headteacher/ Principal should provide the Employee with written confirmation of what was discussed and the outcome of the meeting usually within 5 working days of the decision being made. The Employee may appeal against the decision within 5 working days of receipt of the outcome.

Where dismissal is an outcome, the notification letter should:

- Specify the reason for the dismissal, termination date and any notice period
- Advise the Employee of their right of appeal.

Where a sanction short of dismissal is given, the outcome notification letter should specify:

- The reason for the warning and how long this will remain 'live'
- The required improvement in attendance that is required and the timescale to achieve this
- Any agreed workplace adjustments / supportive measures
- When a further review of attendance will take place
- Advise the Employee that should an acceptable level of attendance not be achieved or maintained – further formal action, including the termination of employment, may be considered
- Advise the Employee of their right of appeal against a formal warning.

It will be deemed sufficient for the Academy to issue written confirmation of the outcome of the hearing to the Employee's last known address.

18.5 Appeal

An Employee may register his / her appeal in writing within 5 working days of receipt of the written outcome to the Clerk to the Governing Body with clear details as to why the appeal should be considered.

An appeal may be made on one or more of the following grounds:

- Unfairness of the decision
- That the sanction imposed was unreasonable
- That new evidence has come to light
- Significant procedural irregularities.

In instances where the grounds for appeal are not stated the Academy will ask the Employee to confirm these to enable all parties to give due consideration of the issues prior to the appeal meeting. Any supporting information must be submitted by the Employee no later than the deadline for the receipt of an appeal.

The Academy will provide the Employee with copies of any documents which will be referred to during the appeal in advance and usually no later than 5 working days before the appeal hearing.

An appeal hearing will be convened at the earliest opportunity, usually within 10 working days of receipt. A workplace colleague or trade union representative may accompany an Employee to an appeal.

The purpose of the Appeal is to review the original decision based on the basis of the grounds for appeal presented by the Employee. The outcome may be

- To uphold the previous decision in full
- To uphold the previous decision in part – but reduce the level of the sanction imposed or amend other elements of the decision

- To uphold the Employee's appeal in full and withdraw any sanction.

The panel may not impose a higher level of sanction than reached previously.

The Employee will be notified in writing of the outcome of the appeal, usually within 5 working days of the decision being made.

It will be deemed sufficient for the Academy to issue written confirmation of the outcome of the hearing to the Employee's last known address.

The decision of the appeal panel is final and there is no further right of appeal.

19. Long Term Absence

19.1 Informal Action

In instances of longer term absence the Headteacher/ Principal will seek to address this informally at an early stage by meeting with the Employee. A meeting will usually take place within the first 4 working weeks of any period of absence - but may be earlier if appropriate. An Employee will be given reasonable notice of an informal absence meeting and will have the right to be accompanied by a Trade Union Representative or work colleague.

The purpose of this meeting is to:

Explore reasons for absence and give an opportunity for the Employee to raise any health or other concerns arising from within or outside the workplace that may be impacting on their attendance

- Consider the likely duration of the absence
- Explain how the continuing absence is impacting on the individual's performance and the Academy
- Identify any support or adjustments that the Academy may be able to provide or any action the Employee can take to facilitate or expedite a return to work
- Make a referral to an Occupational Health Advisor or counselling service, undertake a risk assessment or consider any other follow up action that may be appropriate
- Consider whether the Employee will be able to achieve and maintain a satisfactory level of attendance
- Agree when a further review meeting will take place. This should be within 12 working weeks depending on the circumstances of the case.

Should an Employee return to work before the review date the Academy may continue to support and monitor the situation informally to ensure that a successful and sustained return is made.

19.2 First Formal Absence Meeting

Should the Employee remain absent from work, after an agreed interval the Headteacher/ Principal will convene a Formal Absence meeting with the Employee.

An Employee will be given 5 working days written notification of the first formal absence meeting and it will inform the employees of the right to be accompanied by a Trade Union Representative or work colleague.

This meeting will be conducted by the line manager / Headteacher/ Principal.

The purpose of this meeting is:

- Discuss the impact of the absence on the individual and the Academy
- Consider any advice received from Occupational Health
- Consider whether the Employee will be able to return to work in the foreseeable future
- Consider the Employee's views on continuing in employment
- Consider other options which may be available such as Ill Health Retirement and Redeployment
- Identify any support or adjustments that the Academy may be able to provide or any action the Employee can take to facilitate or expedite a return to work
- Advise the Employee that if they are unable to return to work within a reasonable period consideration may be given to the termination of employment on the grounds of ill health
- Explain that if the Employee is unlikely to be in a position to return to work in the foreseeable future – the situation will be reviewed after an agreed period. This should be within 8 working weeks depending on the circumstances of the case.

The employee should be fully involved in the discussion and given an opportunity to discuss his/her case, answer questions, ask questions, explain any difficulties encountered, and discuss the ways and means by which the issues can be resolved.

In normal circumstances termination of employment would not take place until contractual sick pay has expired – however in instances where there is no prospect of a return to work or the Employee is permanently unfit to undertake the duties of the post, the Academy reserves the right to move immediately to a hearing to consider the case for dismissal on the grounds of capability due to ill health.

Within 3 working days, all the information as stated above should be confirmed in writing to the employee. A copy of this letter will be kept on the employee's personal file

If the formal procedure is discontinued, the Headteacher should then continue to monitor the situation as part of the usual day to day management and set a date to discuss again informally.

19.3 First Formal Absence Review Meeting

Should the Employee remain absent from work, after an agreed interval the Headteacher/ Principal will convene a Formal Absence Review meeting with the Employee.

The review period may vary depending on the circumstances of the case but the meeting will usually be held after 6-8 working weeks of absence or once advice is received from an Occupational Health Advisor.

The purpose of this meeting is to:

- Discuss the impact of the absence on the individual and the Academy
- Consider any advice received from Occupational Health
- Consider whether the Employee will be able to return to work in the foreseeable future
- Consider the Employee's views on continuing in employment
- Consider other options which may be available such as Ill Health Retirement and Redeployment
- Identify any support or adjustments that the Academy may be able to provide or any action the Employee can take to facilitate or expedite a return to work

- Advise the Employee that if they are unable to return to work within a reasonable period consideration may be given to the termination of employment on the grounds of ill health
- Explain that if the Employee is unlikely to be in a position to return to work in the foreseeable future – the situation will be reviewed after an agreed period.

The Employee may be accompanied to this meeting by a workplace colleague or trade union representative.

In normal circumstances termination of employment would not take place until contractual sick pay has expired – however in instances where there is no prospect of a return to work or the Employee is permanently unfit to undertake the duties of the post, the Academy reserves the right to move immediately to a hearing to consider the case for dismissal on the grounds of capability due to ill health.

The Headteacher/ Principal will provide the Employee with written confirmation of what was discussed and the outcome of the meeting usually within 5 working days.

19.5 Second Formal Absence Review

A second review period and formal absence review meeting may be convened if required. Such a meeting will follow the same format as a First Formal Absence Review meeting.

A further review period(s) and absence review meeting(s) may be appropriate in certain circumstances.

However, if having reviewed the case, the Headteacher/ Principal determine that the Employee:

- Is not currently fit for work and is unlikely to be able to return to work or sustain a return within a reasonable period of time;
- Is not currently capable of discharging the duties of the post and is unlikely to be able to do so within a reasonable period;

And

- All other appropriate options have been considered;

A hearing may be convened to consider the termination of employment on the grounds of capability due to ill health.

19.6 Hearing to consider dismissal on the grounds of capability due to ill health

The Employee will be given written notification of the date, time and venue of the hearing. This will usually be not less than 10 working days' notice. The notification will advise the Employee of the case to be considered and possible outcomes of the hearing – including that dismissal may be an outcome.

The Academy will provide the employee with all relevant documents which will be referred to during the hearing with the notification letter and in any case no later than 10 working days before the hearing.

The Employee has the right to be accompanied at this meeting by a workplace colleague or trade union representative.

The Employee is required to provide no later than 5 working days before the hearing

Any relevant documents they wish to be considered.

During the hearing the Employer will present the case for dismissal and the Employee will be given the opportunity to respond.

In reaching a decision, the manager hearing the case / panel may consider:

- The length of the Employee's employment and attendance record
- The impact of the Employee's ill health on attendance / workplace performance
- The length of the absence and impact of the Employee's ill health on the Academy and whether this can be sustained
- Whether or not it is envisaged the Employee may be able to return to work and if so when
- Any specialist advice that has been received regarding the Employee's condition, current and future ability to undertake the job role and anticipated timescales for return
- The impact of any measures / reasonable adjustments that have been put in place to support the Employee, including the findings of any risk assessment
- Whether all alternative options have been discussed – including redeployment and ill health retirement.

The panel should provide the Employee with written confirmation of what was discussed and the outcome of the hearing within 5 working days of the decision. The Employee may appeal against any sanction within 5 working days of receipt of the notification of the outcome.

Where dismissal is an outcome the notification letter should:

- Specify the reason for the dismissal, termination date and any notice period and
- Advise the Employee of their right of appeal against the dismissal.

It will be deemed sufficient for the Academy to issue written confirmation of the outcome of the hearing to the Employee's last known address.

Where an Employee is not dismissed appropriate next steps and further review date may be confirmed in writing with the Employee.

19.7 Appeal

An Employee may register his / her appeal in writing within 5 working days of receipt of the written outcome to the Clerk to the Governing Body or nominated person with clear details as to why the appeal should be considered.

An appeal may be made on the following grounds:

- Unfairness of the decision
- That the sanction imposed was unreasonable
- That new evidence has come to light
- Significant procedural irregularities.

In instances where the grounds for appeal are not stated the Academy will ask the Employee to confirm these to enable all parties to give due consideration of the issues prior to the appeal hearing.

Any supporting information must be submitted by the Employee no later than the deadline for the receipt of an appeal.

The Academy will provide the Employee with copies of any documents which will be referred to during the appeal in advance and usually no later than 5 working days before the appeal hearing.

An appeal hearing will be convened at the earliest opportunity, usually within 10 working days of receipt.

A workplace colleague or trade union representative may accompany an Employee to an appeal.

The purpose of the appeal is to review the original decision on the basis of the grounds for appeal presented by the Employee. The outcome may be:

- To uphold the previous decision in full
- To uphold the previous decision in part – but reduce the level of the sanction imposed or amend other elements of the decision
- To uphold the Employee's appeal in full and withdraw any sanction

The panel may not impose a higher level of sanction than reached previously.

The Employee will be notified in writing of the outcome of the appeal, usually within 5 working days of the decision being made.

It will be deemed sufficient for the Academy to issue written confirmation of the outcome of the hearing to the Employee's last known address.

The decision of the appeal panel is final and there is no further right of appeal.

20 Nonattendance at formal meetings and hearings

Where an Employee or their representative is unavailable to attend they should inform the Academy at the earliest opportunity.

If an Employee's representative is unavailable, a hearing or appeal may be deferred by up to 5 working days from the date of the original meeting.

In some instances it may not be possible for the Employee to attend meetings due to the nature of their illness. The Academy will seek to postpone meetings where this is reasonable and practicable. Other than in exceptional circumstances only one postponement will be granted.

The Academy reserves the right to hold meetings in the Employee's absence where all reasonable efforts to secure their attendance have been unsuccessful. In this event the Employee will be given the opportunity to make written representations or to be represented by a workplace colleague or trade union representative.

Should the Employee not attend and no representations be received the Headteacher/ Principal / panel will make a decision as to the outcome based on the available information.

21 Absence / poor performance related to an ongoing medical condition or disability

In instances where an Employee's disability or ongoing medical condition has an impact on performance in the workplace advice may be sought from an Occupational Health Advisor in the first instance to identify measures that can be put in place to support the Employee. This may include consideration of

reasonable workplace support and adjustments under the provisions of the Equalities Act 2010 and / or redeployment to an alternative role.

Regular informal review meetings will be arranged to monitor the situation.

Should there be an ongoing impact on performance these concerns may be addressed through the Academy's Capability Procedure.

22 Absence arising from management action to address performance / conduct concerns

In instances where absence arises directly from management action to address performance and or conduct concerns – the Academy will seek immediate advice from an Occupational Health Advisor on how to support the Employee in the management of the absence and / or progress the performance or conduct issues.

23 Ill Health Retirement

If an Employee is unable to return to work due to continuing ill health an application for ill health retirement may be appropriate. Referrals for ill health retirement will be made in accordance with the provisions of the Teachers' Pension Scheme or the Local Government Pension Scheme (for Support Staff).

24 Medical Suspension

In some circumstances the Academy reserves the right to suspend Employees in accordance with their duty of care on medical grounds, pending medical advice, should their presence at work be deemed to be detrimental to the health, wellbeing and safety of the individual, colleagues or pupils. Any such suspension will be confirmed in writing, be for a limited period of time and reviewed regularly.

Such suspensions are made on contractual pay and do not count against an Employee's sick leave entitlement or pay.

25 Time off for Medical Appointments

Prior approval must be sought for time off for medical appointments during working hours.

Wherever possible, routine medical appointments should be made outside of working hours. Should this not be possible the Academy will allow reasonable paid time off to attend such appointments, where the request is supported by an appointment card or letter. Whenever possible, appointments should be made at the beginning or end of the Academy day to minimise absence during working hours.

The Academy reserves the right to require an Employee to reschedule non urgent appointments where their absence would have an adverse impact on the operation of the Academy.

Time off for medical appointments will be recorded but will not be classed as sickness absence.

26 Time off for Elective Procedures

Sick leave cannot be taken for elective procedures such as IVF treatment or cosmetic surgery however paid leave will be agreed for one cycle of IVF.

An Employee should make the Headteacher/ Principal aware of the need for any time off under this provision as soon as practicable. Where possible appointments should be made outside of working time or at the start or end of a working day although it is accepted that this is not always possible. The Employee will be required to provide a letter from their doctor.

Alternatively unpaid leave or annual leave (in the case of employees contracted all year round) may be requested for such absence. An Employee should make the Headteacher/ Principal aware of the need for any time off under this provision as soon as practicable. Should the consequences of the treatment make the Employee unfit for work this would be regarded as sickness absence in which instances the usual absence reporting and certification procedures would apply.

In the case of treatment or procedure to correct or prevent sickness absence arising from a diagnosed medical condition – treatment will not usually be regarded as sickness absence and authorised absence will be granted. Following the treatment or procedure any time off which is necessary may be regarded as sickness absence and should be supported by a valid ‘fit note’.

27 Absences Related to Drug & Alcohol Dependency

Absences related to a declared drug or alcohol dependency will be managed as an ill health issue in the first instance. Guidance may be sought from an Occupational Health Advisor and appropriate support and management action taken.

The Academy reserves the right to address instances of misconduct resulting from the use of alcohol or drugs under its disciplinary procedures.

28 Accidents at work or due to a Third Party

Employees should notify the Headteacher/ Principal or other appropriate person of any accident or injury that occurs due to no fault of their own during the course of their work and follow the Academy’s procedures for reporting and recording such incidents.

Support staff will receive normal contractual sick pay in these circumstances but this should be recorded separately to other sickness absence.

Teachers who are absent following an accident / injury at work will be paid in accordance with the provisions set out in the Burgundy Book.

Employees should notify the Academy of accidents / injuries where damages may be recoverable from a Third Party. An Employee who is absent from work as a result of an accident and receives damages in respect of loss of pay from a third party claim will be required to refund to the Academy any sick pay paid to them in relation to the incident.

29 Disclosure of formal sanctions in employment references

Should an Employee have an unexpired formal sanction on file relating to attendance – this would be disclosed, upon request, in any reference provided by the Employer to a prospective Employer

30 Minuting Meetings and Record Keeping

All absences will be recorded. Notes may be taken of all discussions and formal / informal meetings held with an Employee to discuss attendance and ill health issues. Where notes are taken a copy will be made available to the Employee. Minutes will be taken at hearings and appeal meetings and shared with the Employee at the earliest opportunity. The Employee will have the opportunity to check the minutes and comment on the accuracy of the minutes. Where there are discrepancies between the Employer and Employee that cannot be resolved both version of the minutes will be held on record.

Covert recordings of meetings or hearings are expressly prohibited. Any recording of a meetings or hearing must be with the prior consent of all parties.

All records will be treated as confidential and processed in accordance with the Data Protection Act 1998, which provides individuals with the right to request and have access to certain data.

31 Confidentiality and Data Protection

The Academy will respect the confidentiality of all information relating to an Employee's health and handle sensitive personal data in accordance with the Data Protection Act 1998.

32 Suspected non genuine absence

Where it is suspected that an absence is not genuine or that false sickness declarations have been made the Academy may, after appropriate investigation, address the matter through the Academy's disciplinary procedure.

33 Unauthorised Absence and Disciplinary action

Breaches of the absence policy may be dealt with under the disciplinary procedure. These lists are not exhaustive but are examples of misconduct and gross misconduct that may be subject to disciplinary action.

33.1 Examples that may be regarded as misconduct

- Unsatisfactory attendance that is not due to a medical reason or covered by another policy, agreement or statute

- Taking part in activities that are inconsistent with the cause of absence or prejudicial to recovery.

- Failing to comply with the requirements of the absence policy.

33.2. Examples that may be regarded as gross misconduct and could result in summary dismissal

- Making a false claim of incapacity for work due to ill health.

- Altering the contents of medical certificates.

- Carrying out other employment whilst on sick leave without permission.

34 Advice and Support to Employees

Employees are advised to seek support from their Trade Union Representative or Professional Association with regards to absence issues. Employees may address questions about this procedure to the Headteacher/ Principal or other delegated staff member

Thinking Schools Academy Trust Sick Entitlement:**Teachers**

Length of Service	Entitlement
During 1 st Year of Service	Full pay for 25 working days and, after completing 4 calendar months service Half pay for 50 working days
During 2 nd Year of Service	Full pay for 50 working days, and then half pay for 50 working days
During 3 rd Year of Service	Full pay for 75 working days, and then half pay for 75 working days
During 4 th and successive years	Full pay for 100 working days, and then Half pay for 100 working days

Support Staff

Length of Service	Entitlement for 52 week contract
During 1 st Year of Service	1 month's full pay and, after completing 4 months service 2months half pay
During 2 nd Year of Service	2 months full pay and 2 months half pay
During 3 rd Year of Service	4 months full pay and 4 months half pay
During 4 th and 5th Year of Service	5 months full pay and 5 months half pay
After 5 years' Service	6 months full pay and 6 months half pay

For the purpose of sick pay entitlement, the continuous service that is recognized in an employee's contract is applied.

The sickness payment is pro-rata for part time staff and contracted weeks worked.

Staff who are employed for a number of weeks per year not stated in the table above may have their sickness payment calculated on a pro-rata basis depending on the number of weeks per year that they work.

The employer has the discretion to extend the period of sick pay in exceptional cases.

The position of an employee should be reviewed at an early opportunity and before their entitlements to paid sick absence expires.

Return to Work Form

APPENDIX 2

Name of Employee		
Last Absence		
Date of first day of sickness:		
Date of last day of sickness:		
Total number of working days lost due to sickness:		
Reason for Absence:		
Total Sickness Absence record over the last 12 calendar months		
Total number of Occasions:		
Total number of working days off:		
Total number of medically certified working days off:		
Reason for occasions:		
Question	Yes	No
Does the Employee feel fit enough to return to work? If no, please explain further:		
If this is a recurring illness or likely to occur again? If yes please give details:		
Did the Employee seek any medical advice? If yes, please give details:		
Is the Employee taking any medication that may affect their work? Eg drowsiness/dizziness. If yes, please give details:		
Was the absence caused or made worse by workplace factors? If yes, please give details:		
Have the relevant forms been handed in? Eg Medical Certificates.		
If absence was due to an injury sustained at work has form HS1 Accident Report, or HS3 Incident of Violence Report been completed and the Health & Safety Officer informed?		
If the Absence was caused by a third party accident, has the appropriate form been filled in to notify payroll (who will seek a claim against the insurer)?		
Is any action required to facilitate the employees return to work? If yes please give details:		

Action Required/Agreed		Yes	No
Is the amount/Level of sick absence causing concern?			
Is a referral to the Occupational Health Specialist appropriate?			
Is a risk assessment required? (Including stress risk assessment)			
Risk Assessment Tool:			
Description of Risk e.g the employee is required to lift heavy items but this may make health worse.	Impact – Medical situation could have on carrying out duties	Probability – Medical situation could have on carrying out duties	Action i.e reasonable adjustments, training, equipment or support
	High, Medium or Low	High, Medium or Low	
Further action Required? Eg, Counselling, Oh referral.			
Any other Comments:			
Signature of Employee:			
Date:			
Signature of Manager:			
Date:			

Informal Short Term Absence Management Meeting Form

APPENDIX 3

Name of Employee		
Total Sickness Absence record over the last 12 calendar months		
Total number of Occasions:		
Total number of working days off:		
Total number of medically certified working days off:		
Reason for occasions:		
Question	Yes	No
Is there a recurring illness that contributed to these occasions? Is it likely to occur again? If yes please give details:		
Has the Employee sought medical advice? If yes, please give details:		
Is the Employee taking any medication that may affect their work? Eg drowsiness/dizziness. If yes, please give details:		
Was any of the absences caused or made worse by workplace factors? If yes, please give details:		
Is any action required to support the Employee's improvement in attendance? If yes please give details:		
Action Required/Agreed	Yes	No
Is the amount/level of sick absence causing concern?		
Has employee been advised to access the Trust Absence Management Policy and aware of where to find it.		
Is a referral to the Occupational Health Specialist appropriate?		
Is a risk assessment required? (Including stress risk assessment)		

Risk Assessment Tool:			
Description of Risk e.g the employee is required to lift heavy items but this may make health worse.	Impact – Medical situation could have on carrying out duties	Probability – Medical situation could have on carrying out duties	Action i.e reasonable adjustments, training, equipment or support
	High, Medium or Low	High, Medium or Low	
Further action Required? Eg, Counselling, Oh referral.			
Any other Comments:			
Detail the Academies expectations regarding employee attendance:			
By signing this form the Employee is agreeing that the information is correct to the best of their knowledge, that they are aware that their sickness will continue to be monitored and if deemed appropriate with additional sickness, a future formal meeting to review their attendance could be held under the Absence Management Policy.			
Signature of Employee:			
Date:			
Signature of Manager:			
Date:			

Short Term Sick Absence Management Flowchart

If the employee hits trigger of 4 periods or 10 days of sick absence in the last 12 calendar months

Informal Absence Meeting

- Give member of staff verbal notice of meeting
- Use Informal Sick Absence Management Form
- Signed copy to go to Employee and file.

If more absence occurs and trigger is hit

Initial Formal Meeting

- Invite letter with 5days notice & right for Union attendance
- Meeting minuted
- Target & Review period set
- Letter sent to confirm target & review period, copy on file

Target not achieved in review period

Review date reached and target achieved

Formal Review Meeting

- Discuss with Trust HR Advisor
- Invite with 5days notice & Union attendance
- Meeting minuted
- Review absence since last meeting,
- **Could** result in First or Final Warning
- New target and review period set
- Letter sent to confirm outcome, target, review period and a copy for file

Formal Review Meeting

- Formal invite with 5 days notice & union
- Meeting minuted
- Absence continues to be monitored as normal in line with Trust policy
- Letter confirming outcome sent to employee and copy on file

Final Warning Issued

First Warning Issued

Target not achieved in review period

Review date reached and target achieved

Formal Review Meeting

- Discuss with Trust HR Advisor
- Formal invite with 5days notice
- Meeting minuted
- Review absence since last meeting,
- **Could** result in Final Warning
- New target and review period set
- Letter sent to confirm outcome, target and review period and a copy for file

Formal Review Meeting

- Formal invite with 5 days notice
- Meeting minuted
- Absence continues to be monitored as normal in line with Trust policy
- Letter confirming outcome sent to employee and copy on file

Target not achieved in review period

Review date reached and target achieved

Dismissal Hearing

- Discuss with Trust HR Advisor
- Formal invite with 10days notice
- Hearing conducted
- Outcome in writing to Employee

Formal Review Meeting

- Formal invite with 5 days notice
- Meeting minuted
- Absence continues to be monitored as normal in line with Trust policy
- Letter confirming outcome sent to employee and copy on file