

<b>Applicable to:</b>	Catch22 Multi Academies Trust		
<b>Policy:</b>	Managing Sickness Absence Policy and Procedure		
<p><b><u>Notes</u></b></p> <p>This policy must not be changed without prior discussion with Catch22 Multi Academies Trust</p>			
<b>Date of last review:</b>	April 2019	<b>Review period:</b>	3 years
<b>Date of next review:</b>	April 2022	<b>Owner:</b>	People Team
<b>Type of policy:</b>	Statutory-Other	<b>Trustee Board/LGB approval:</b>	Board approves/LGB signs off
<b>Version:</b>	V.1.1		

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## 1. Purpose

The Trust aims to encourage all its employees to maximise their attendance at work while recognising that employees will, from time to time, be unable to come to work because of ill health.

While the Trust understands that there will inevitably be some sickness absence among employees, it must also pay due regard to its operational needs. If an employee is persistently absent from work, this can damage efficiency and productivity, and place an additional burden on the employee's colleagues.

By implementing this policy, the Trust aims to strike a reasonable balance between the pursuit of its operational needs and the genuine need of employees to take time off work because of ill health.

## 2. Aims of the policy

This policy aims to:

- provide a standard process and consistent approach for managing sickness absence;
- treat all employees in a way which is sensitive and fair, and balances the needs of the employee with that of the Trust;
- provide support for absent employees so that they can return to work as soon as their condition allows, whilst sustaining a required level of attendance;
- identify and eliminate any potential workplace risks to the employee's health and wellbeing;
- promote a positive culture of attendance.

## 3. Definitions

**'Sickness absence'** is defined as an incapacity to carry out the duties and responsibilities which an employee is contractually obliged to do, because of his or her own illness or injury.

**'Short term sickness absence'** is defined as one or more periods of sickness absence lasting one to 27 calendar days.

**'Long term sickness absence'** is defined as any period of sickness lasting 28 calendar days or more.

## 4. Scope

This policy applies to all Catch22 MAT employees who have successfully completed their probation period. It does not apply to contractors, consultants, agency workers or any self-employed individuals working for the Trust.

This policy does not apply to the need to take time off work because of the illness or injury of others, for example, dependents, which is covered by a separate policy.

This policy is formulated on the assumption that, if the Trust suspects there to be misconduct, it's separate Disciplinary Procedure will apply. For example, the Trust may take disciplinary action if there is evidence that:

- absence is not genuine or not for the reason provided;

- the employee is undertaking inappropriate activities while off sick, such as carrying out work for another organisation;
- the correct sickness absence notification and evidence procedure has not been followed.

The policy relates to all schools and settings across Catch22 Multi Academies Trust and supersedes any local policies and procedures that have been in use prior to the academy conversion.

## **5. Responsibilities**

Line managers should:

- take responsibility for monitoring and managing their employees' attendance and absence;
- treat all matters relating to their employees' health and wellbeing sensitively, fairly and consistently;
- maintain a proper record of their employees' sickness absences by completing an absence record on the HR system (HouRs);
- require an employee to complete a self-certification form for sickness absence of seven calendar days or less and to provide medical evidence for sickness absence of eight calendar days or more;
- conduct a return-to-work interview after every period of sickness absence;
- keep confidential records of all absences, including discussions and medical certificates;
- seek medical advice, e.g. from Occupational Health or the employee's GP, where appropriate and take this advice into consideration before making any decisions; and
- keep in mind the Trust's duty to make reasonable adjustments for disabled people when managing absence.

Employees should:

- personally notify their line manager of their sickness absence and maintain regular personal contact while unable to attend work;
- be prepared to give her/his manager a clear reason (i.e. the nature of the illness or injury) why s/he cannot attend work, and estimate how long s/he thinks the absence will last;
- complete a self-certification form for sickness absence of seven calendar days or less and provide medical evidence for sickness absence of eight calendar days or more;
- attend a return-to-work interview with her/his manager each time the employee returns from a period of sickness absence;
- agree on request to undergo a medical examination by the Trust's Occupational Health provider;
- cooperate with the Trust with regard to the possible implementation of any adjustments to job duties, hours or working conditions, particularly those suggested by a doctor;
- refrain from actions or activities that could hinder recovery or jeopardise the employee's ability to work;
- not take part in sports, hobbies or other avoidable activities that could aggravate the employee's condition or delay her/his recovery. This excludes specific activities recommended by a GP or other medical adviser to improve the employee's health, as part of a therapeutic/convalescent programme;
- undertake any other employment, whether paid or unpaid, unless this has been expressly approved by the Head Teacher in writing. Employees should also note

that it can be a criminal offence to claim Statutory Sick Pay from an employer, whilst undertaking paid employment elsewhere. These matters would be pursued as a disciplinary matter.

## **6. Reporting sickness absence**

An employee must notify her/his line manager of their sickness absence within the first hour of their working day. Notification of sickness absence must be via telephone, rather than text message, email or social media. In exceptional circumstances where the employee is unable to telephone (for example, because of hospitalisation), another person such as a friend or relative can contact the Trust on his/her behalf. The employee should personally make contact as soon as s/he is able to do so.

It is the employee's responsibility to ensure her/his line manager is informed of the reason for absence, possible length of absence and likely return date. The employee should also be prepared to discuss briefly any consequences of his/her absence, for example if cover work needs to be set.

In the event the employee is unable to make contact with her/his line manager, s/he must seek to make contact with a relevant manager within the team so the message can be promptly passed on.

For each subsequent sick day after the first day of absence, the employee should generally telephone his/her manager as soon as reasonably practicable in the morning. However, managers should use their discretion and can agree different arrangements with the employee, for example if the employee is hospitalised.

This reporting procedure also applies to employees who were not expected to attend the office owing to working off-site, from home, in training, or for any other reason.

## **7. Recording sickness absence**

Sickness is recorded in days and half days. If an employee works for less than half of their usual working hours, then this will be recorded as a full day sickness absence. If an employee works for more than half of their usual working hours then this will be recorded as a half day sickness absence.

All absence must be recorded from the first day on the HR system (HouRs) by the line manager. When the employee returns to work, the line manager will be responsible for closing the absence on the system.

## **8. Certifying sickness absence**

### **8.1 Self-certification**

If the employee is absent from work due to ill health for seven calendar days or less, on the first day of the employee's return to work he/she must complete a self-certification form. The line manager should take a copy of the self-certification form and send the original to the People Services team.

### **8.2 Statement of fitness for work (fit note)**

If the employee is absent from work due to ill health for eight calendar days (including weekends and bank holidays) or more then the employee must obtain a medical certificate (fit note) from her/his GP covering the eighth day of absence onwards and send it to her/his

line manager. Subsequent medical certificates are required as soon as the current certificate has expired, covering the full period of sickness absence, ensuring there are no breaks in the coverage provided by the fit note. The line manager should take a copy of the fit note and send the original to the People Services team.

A doctor's fit note may state that the employee:

- is "not fit for work", in which case the employee should remain off work; or
- "may be fit for work", if the doctor's recommendations are followed (for example, a phased return, amended job duties, altered hours of work, or workplace adaptations).

While there is no legal obligation on the Trust to follow the recommendations, managers should take what the employee's doctor has written seriously and give fair consideration as to whether or not any of the changes recommended by the doctor can be accommodated. If an employee may be fit for work, subject to reasonable adjustments, the employee's manager is responsible for assessing what duties s/he can do, and discussing with her/him what extra support s/he may need.

The line manager should:

- discuss with the employee the advice on the fit note;
- consider how the advice affects the employee's job and workplace;
- consider the doctor's recommendations and any other action that could help the employee return to work;
- consider referring the employee to Occupational health;
- monitor and review the situation as required;
- document all discussions held with the employee.

If the Trust considers that we cannot provide the support that the employee's doctor recommends, the Trust will treat the fit note as if the doctor had said the employee was not fit for work.

## **9. Medical suspension**

In exceptional circumstances, the employee's manager may consider that the employee should not return to work, even though the employee's doctor says s/he can. In this situation, the employee's manager should refer the employee to Occupational Health.

In the meantime, the employee would remain on sickness absence, and her/his sick pay would continue. When an employee's manager receives the Occupational Health advice, they will discuss the findings with the employee. If Occupational Health decides the employee was fit to return, the employee's normal pay would resume and be backdated to when the employee's own doctor said the employee was fit to return to work.

## **10. Medical appointments**

The Trust recognises that employees will, from time to time, need to attend medical appointments.

Employees should endeavour to arrange medical appointments in their own time or, if this is not possible, at times that will cause the minimum amount of absence from work or inconvenience to the Trust.

However, because the Trust accepts that it is not always possible to arrange medical appointments outside working hours, it is the Trust's policy to permit reasonable time off work for such appointments.

Provided that the employee gives his/her line manager reasonable notice of the date and time of an appointment, time off with pay will normally be granted, although this is subject to the discretion of the employee's line manager.

Where time off for medical appointments becomes frequent or regular, or starts to cause difficulties for the employee's department, the line manager has the discretion either to require the employee to make up for the time off by working extra time on another occasion, or to grant any further time off without pay.

Employees must obtain approval from their line manager in advance of any appointment. The line manager reserves the right to ask the employee to reschedule an appointment if its timing would cause disruption to the Trust's business. The line manager may also, at his/her discretion, ask the employee to produce confirmation of the appointment.

Employees who are pregnant have the statutory right not to be unreasonably refused paid time off work for antenatal appointments where the employee's attendance has been recommended by a registered medical practitioner, midwife or nurse. Paid time off in such circumstances will automatically be granted, although employees should endeavour to arrange appointments outside working hours. Nevertheless, the employee should give reasonable notice of the date and time of the appointment to his/her line manager where possible and the line manager will still have the right to request to see the confirmation of the employee's second appointment and any subsequent appointments.

A prospective father, or partner of a pregnant woman, has the statutory right to take unpaid time off to attend up to two antenatal appointments.

## **11. Return to work interviews**

Return to work interviews should be carried out after every period of sickness absence. On the first day back at work after any period of sickness absence, the employee's manager will arrange to meet informally with him/her. If this is not possible on the employee's first day back (for example, for operational reasons or because the manager is not available), the informal meeting should take place as soon as reasonably practicable.

The line manager should:

- welcome the employee back to work, check they are well enough to resume duties, and update them on any changes that have taken place during their absence;
- ask the employee about the reasons for his/her absence;
- ask the employee whether or not he/she has consulted a doctor or attended hospital;
- if the employee's sickness absence has been for seven calendar days or less, ask the employee to complete a self-certification form;
- if the employee's sickness absence has been for eight calendar days or more, ensure the employee has provided a fit note from his/her doctor;
- discuss the content of any fit note and recommendations (see above);
- establish if there is any support that can be given or adjustments that can be made to support the employee in work;
- inform the employee if their Bradford Factor score has reached 27 points or over, and the consequences of having done so (see below);
- document all discussions held with the employee and ensure that any outputs are acted upon promptly.

## **12. Pregnancy related absences**

Pregnant employees who are off work because of pregnancy-related ill health must abide by the Trust's absence reporting procedure. For example, a pregnant employee is subject to the usual notification and evidence requirements, and can be asked to attend a return-to-work interview when returning to work.

However, any sickness absence by a pregnant employee for a pregnancy-related reason should not be included when checking to see if the need for formal action under the Trust's absence management procedure has been triggered.

## **13. Disability related absences and reasonable adjustments**

Where an employee gives as the reason for absence an underlying health issue that could amount to a disability under the Equality Act 2010, the manager should refer the employee to the Occupational Health team. This includes where the employee states that he/she is suffering from stress.

Managers should remember that the Trust is under a duty to make reasonable adjustments for disabled employees. Reasonable adjustments can include alterations to fixtures and fittings to enable greater access, acquiring special equipment or modifying existing equipment, altering existing working arrangements, supplying additional training and/or supervision.

Where the absence is wholly or partly for a disability-related reason, adjustments to the procedures set out in this policy may need to be made.

## **14. Medical advice**

### **14.1 Occupational health referrals**

At various stages of managing the employee's sickness absence, a manager may want to obtain advice on the employee's fitness for work from the Trust's Occupational Health advisers.

Examples of when a line manager might refer to Occupational Health include to:

- seek a medical report on the employee;
- establish when the employee might be able to return to work;
- ask for guidance on the employee's condition, for example if there is a possibility that the employee is disabled or there is ambiguity as to the exact nature of the condition;
- if the employee is disabled, discuss any adjustments that could be made to accommodate the employee's disability, thereby enabling greater access to work..

### **14.2 Medical practitioner reports**

Where a report from the employee's medical practitioner is necessary, the employee will be fully informed of his/her rights under the Access to Medical Reports Act 1988 and his/her permission will be sought for the report to be obtained.

The employee's permission will be sought to contact the medical practitioner on the relevant consent form.

The employee has the right to access the report before the Trust sees it. If the employee wishes to see the report, he/she should inform the Trust of this, so that it can inform the medical practitioner. The employee will then have 21 days to contact the medical practitioner to see the report. If the employee does not contact the medical practitioner within this period, the medical practitioner can pass the report on to the Trust.

Where the employee feels that the report is misleading or incorrect, he/she may ask the medical practitioner to amend it. If the medical practitioner does not agree with the employee and does not alter the report, the employee may attach a statement to the report to reflect his/her views. Alternatively, having seen the report, the employee may request that access to the report be withheld from the Trust.

Where the employee refuses to attend an Occupational Health assessment or give permission for the Trust to contact his/her medical practitioner, the Trust will explain to the employee the reasons behind the request and inform the employee that a decision relating to his/her employment may be made without the benefit of access to medical reports, which could result in dismissal. The same procedure will be followed where the employee delays in giving his/her consent.

## **15. Managing sickness absence**

### **15.1 Bradford Factor**

Sickness absence should be regularly monitored and reviewed by line managers with support from the People Team. The system the Trust uses to monitor sickness absence is known as the Bradford Factor.

The Bradford Factor (BF) is a recognised way of monitoring individual sickness absence on an ongoing basis. The BF calculates a score based on the number of days and the number of occasions an employee is absent in a rolling 12 month period.

The formula used to calculate an employee's BF score is: **number of occasions absent x number of occasions absent x total number of days absent**

For example, if an employee was absent from work on two occasions, one occasion for one day and one occasion for two days, their BF score would be 12:

2 (no. of occasions they are off) x 2 (no. of occasions they are off) x 3 (total days off) = 12 (BF score).

Depending on the BF score and the circumstances surrounding the absence, different steps will be considered in order to manage the employee's absence.

Sickness absence relating to maternity, disability or industrial injury should still be recorded, as line managers are still required to provide support and manage the process.

The trigger points that are used to decide when action needs to be taken to tackle an employee's sickness absence are set out below. They are provided for guidance in order to ensure consistency but consideration should be given to the particular circumstances of the individual in each case. The process can be triggered at any level within the table where there is good reason to do so.

<b>BF Score</b>	<b>Status</b>	<b>Action</b>
Under 49	Green	Flag BF score of 27 or more at return to work interview
50 – 124	Amber	Initial informal review meeting
125+	Red	Commence formal proceedings for short term absence

The same scores apply to part-time employees. For some patterns of part time work managers will need to adjust the totals to reflect the individual's circumstances.

## **15.2 Return to work interview**

Line managers should flag a BF score of 27 points or more at the employee's return to work meeting and inform them of the policy for managing sickness absence. This is not a formal meeting but should be used to discuss any support that can be offered to reduce absence levels and improve the employee's attendance at work.

## **15.3 Initial review meeting**

All employees who have a BF score of 50 points or more should be invited to an initial review meeting.

This meeting can either be done as part of the return to work interview or during the next management meeting following the absence (this should be no longer than 6 weeks after the employee has returned to work). The process echoes that of the return to work interview.

The purpose of the initial review meeting is to inform the employee of her/his level of sickness absence and discuss any support that can be offered or adjustments that can be made to reduce absence levels and improve the employee's attendance at work.

The line manager should:

- enquire about the employee's welfare;
- review the employee's sickness absence record;
- ask the employee about the reasons for his/her absence;
- ascertain whether the employee's work environment has been a contributing factor in the employee's sickness absence;
- establish if there is any support that can be given or adjustments that can be made to support the employee in work;
- document all discussions held with the employee and ensure that any outputs are acted upon promptly.

## **16. Short term sickness absence – formal procedure**

Short term sickness absence is defined as one or more periods of sickness absence lasting one to 27 calendar days. Short-term absence can be disruptive to the smooth running of a school and therefore it is important that it is investigated and managed promptly. The trigger point for a stage 1 short term sickness absence formal review meeting is a BF score of 125 or more.

### **16.1 Arrangements for formal meetings**

All meetings under the formal procedure will be subject to the following arrangements:

- the employee should be invited in writing and given at least 7 working days' notice;

- the letter should advise the employee who will be present at the meeting and that the employee can be accompanied (see below);
- the letter should explain the purpose of the meeting is to review the employee's unsatisfactory attendance at work;
- the employee should be provided with copies of any documentation to be considered at the meeting, including the employee's attendance record, copies of meeting notes and medical reports etc.;
- the letter should warn the employee of the potential outcomes, including no further action, a first or final formal caution and review period, dismissal;
- the outcome should be confirmed in writing within 7 working days.

## **16.2 Right to be accompanied**

Employees have the right to be accompanied by a Trade Union representative, LinkUp Partner or workplace colleague at all formal meetings under this policy.

It is the responsibility of the employee to arrange their own representation and to provide them with copies of all the relevant paperwork.

The employee must notify the Chair who will be accompanying them in advance of the meeting.

If the employee's chosen companion is unable to attend the meeting, the Trust will rearrange the meeting at a time/date proposed by the employee provided the alternative time/date is both reasonable and not more than 5 working days after the date originally proposed.

## **16.3 Stage 1 short term sickness absence formal review meeting**

On reaching a stage 1 trigger point, the employee's line manager should invite him/her to a stage 1 short term sickness absence formal review meeting.

The meeting will be chaired by the employee's line manager. At the meeting, the line manager will:

- explain to the employee that the purpose of the meeting is to discuss the employee's unsatisfactory attendance;
- review the employee's attendance record;
- make clear to the employee that the aim of the meeting is to find ways to improve his/her attendance;
- allow the employee to share his/her views;
- try to establish any underlying reasons for the employee's poor attendance level;
- discuss and agree any steps that can be put in place to help the employee to improve his/her attendance;
- consider referring the employee to Occupational Health or seeking advice from their medical practitioner if this has not already been done;
- review any medical advice that has been received;
- remind the employee of the support that is available, including the employee assistance programme; and
- after a short adjournment, inform the employee of the outcome of the meeting and state that the outcome will be confirmed in writing.

## **16.4 Stage 1 possible outcomes**

### **No further action**

In limited circumstances, for example if there are extenuating reasons for the absences, the outcome of a stage 1 short term sickness absence formal review meeting could be that the manager decides that no further action is required. If the decision is that no further action will be taken, the letter should inform the employee of this and provide an explanation for the decision.

### **First formal caution and review period**

The manager may decide that the employee should be given a first formal caution and moved to a formal review period. The letter should outline the improvement that is expected, set a formal monitoring period during which attendance will be regularly reviewed and state the consequences of failing to improve attendance will be that the employee moves to stage 2 of the Trust's absence management procedure. The letter should also advise the employee of their right to appeal and how they exercise this (see below).

A first formal caution is recorded and will be kept on an employee's personnel file for 12 months, after which it may be expunged from the file subject to there having been no further concerns regarding levels of sickness absence. The first formal caution may also require the employee to provide a medical certificate for all subsequent periods of sickness absence, regardless of the length of sickness absence, this is known as "first day certification".

If the employee's sickness absence levels improve no further action will be taken. The manager should write to the employee explaining to him/her that he/she has completed the formal review period.

If during the formal review period, the employee's sickness absence exceeds the improvement target, the employee will be moved to stage 2.

## **16.5 Stage 2 short term sickness absence formal review meeting**

On reaching a stage 2 trigger point, the employee's line manager should invite him/her to a stage 2 short term sickness absence formal review meeting.

The meeting will be chaired by the employee's line manager. At the meeting, the line manager will:

- explain to the employee that the purpose of the meeting is to discuss the employee's continued unsatisfactory attendance;
- make clear to the employee that the aim of the meeting remains to find ways to improve his/her attendance;
- allow the employee to share his/her views;
- try to establish any underlying reasons for the employee's poor attendance level;
- discuss and agree any further steps or targets that can be put in place to help the employee to improve his/her attendance;
- refer the employee to Occupational Health or seek advice from their medical practitioner if this has not already been done;
- review any medical advice that has been received;
- remind the employee of the support that is available, including the employee assistance programme; and

- after a short adjournment, inform the employee of the outcome of the meeting and state that the outcome will be confirmed in writing.

## **16.6 Stage 2 possible outcomes**

### **No further action**

In limited circumstances, for example if there are extenuating reasons for the absences, the outcome of a stage 2 short term sickness absence formal review meeting could be that the manager decides that no further action is required. If the decision is that no further action will be taken, the letter should inform the employee of this and provide an explanation for the decision.

### **Final formal caution and review period**

The manager may decide that the employee should be given a final formal caution and moved to a second formal review period. The letter should outline the improvement that is expected, set a formal monitoring period during which attendance will be regularly reviewed and state the consequences of failing to improve attendance will be that the employee moves to stage 3 of the Trust's absence management procedure. The letter should also advise the employee of their right to appeal and how they exercise this (see below).

A final formal caution is recorded and kept on an employee's personnel file for 24 months, after which it may be expunged from the file subject to there having been no further concerns regarding levels of sickness absence. The final formal caution may also require the employee to provide a medical certificate for all subsequent periods of sickness absence, regardless of the length of sickness absence, this is known as "first day certification".

If the employee's sickness absence levels improve no further action will be taken. The manager should write to the employee explaining to him/her that he/she has completed the formal review period.

If during the formal review period, the employee's sickness absence exceeds the improvement target, the employee will be moved to stage 3.

## **16.7 Stage 3 short term sickness absence final review meeting**

On reaching a stage 3 trigger point, the Head Teacher (or Executive Vice Principal if the Head Teacher chaired the earlier stages) will invite the employee to a stage 3 short term sickness absence final review meeting.

The meeting will be chaired by the Head Teacher (or Executive Vice Principal if the Head Teacher chaired the earlier stages), supported by a People Business Partner. At the meeting, the Head Teacher/Executive Vice Principal will:

- explain to the employee that the purpose of the meeting is to discuss the employee's continued unsatisfactory attendance;
- review all the data, including meeting notes and medical reports;
- allow the employee to share his/her views;
- establish if there are any further steps or targets that can be put in place to help the employee to improve his/her attendance;
- inform the employee of the possible outcomes of the meeting (see below) and that these will be confirmed in writing to him/her within 7 working days.

## **16.8 Stage 3 possible outcomes**

The outcome of the meeting could be:

- a decision to take no further action;
- an offer to make adjustments to the employee's work;
- redeployment with the employee's agreement (see below); or
- a decision to dismiss the employee.

The employee should be informed of his/her right of appeal in the outcome letter and how to exercise his/her right of appeal.

## **17. Long term sickness absence – formal procedure**

Long term sickness absence is defined as any period of sickness lasting 28 calendar days or more.

It is important that the Trust maintains contact with an employee on long term sickness absence to:

- monitor the employee's progress in terms of his/her return to health;
- support the employee and actively maintain his/her engagement with the Trust and ensure the employee remains informed about events in the workplace;
- provide information to the employee so that he/she may make informed decisions (for example, in relation to sick pay entitlement);
- provide practical support from the Trust's Occupational Health advisers;
- encourage a return to work as early as possible;
- facilitate a phased return to work if required, by making appropriate temporary or permanent adjustments.

It is the joint responsibility of both the line manager and the employee to maintain contact. Once the employee is on long-term sickness absence (i.e. once the employee has reached 28 days' continuous absence), the employee's line manager should contact the employee to agree the method and frequency of contact. Contact should be on a regular basis and at least weekly.

Once an employee has been absent for 28 calendar days, or as soon as it is confirmed that he/she will be absent for at least 28 days (for example, a fit note has signed him/her off for that period), his/her manager should refer the employee to Occupational Health. The line manager should also contact the employee to advise him/her that the occupational health department will be in touch, with a view to the Trust seeking medical advice on the employee's prognosis.

### **17.1 Arrangements for formal meetings**

All meetings under the formal procedure will be subject to the following arrangements:

- the line manager should contact the employee to agree a date, time and location for the meeting to take place, at a time that is convenient for the employee and line manager;
- if the employee does not respond to efforts made to contact him/her, or does not cooperate with attempts to agree a time and place for the meeting, the line manager is entitled to set a time and place for the meeting without the employee's agreement being obtained;

- while the meeting can take place in the workplace, it may be that the employee's condition necessitates a venue that is away from the employee's place of work. For example, the employee's mobility may be restricted or an employee suffering from work-related stress may be uncomfortable coming in to the workplace. The line manager should therefore be open to the meeting taking place in another location. This could be the employee's home (although only if the employee is comfortable with this) or a venue near the employee's home (such as a local cafe or leisure centre), taking consideration of the need for confidentiality of the conversation to be held;
- the arrangements for the meeting should be confirmed in writing and the employee should be given at least 7 working days' notice of the date and venue;
- the letter should advise the employee who will be present at the meeting and that the employee can be accompanied by a workplace colleague, LinkUp Partner or trade union representative;
- the letter should explain the purpose of the meeting is to review the employee's attendance at work;
- the employee should be provided with copies of any documentation to be considered at the meeting, including the employee's attendance record, copies of meeting notes and medical reports etc.;
- the letter should warn the employee of the potential outcomes, including no further action, a first or final formal caution and review period, dismissal;
- the outcome should be confirmed in writing to the employee within 7 working days.

### **17.2 Stage 1 long term sickness absence formal review meeting**

Once an employee has been absent for 28 calendar days, or as soon as it is confirmed that he/she will be absent for at least 28 days (for example, a fit note has signed him/her off for that period), his/her manager should invite the employee to a stage 1 long term sickness absence formal review meeting.

The stage 1 long term sickness absence formal review meeting will be chaired by the employee's line manager. At the meeting, the line manager will:

- establish how the employee is doing and the likely length of his/her absence, bearing in mind the advice in the employee's fit note or medical report;
- discuss with the employee what steps can be taken to assist the employee in returning to work (for example, a phased return, amended job duties, altered hours of work, or workplace adaptations);
- explain to the employee his/her sick pay entitlement;
- confirm when the next contact will take place (for example, if the employee is undergoing an operation, a reasonable period after the operation has taken place).

After the meeting, the line manager will set out in writing what has been discussed at the stage 1 meeting. The letter, which should be provided to the employee within 7 working days of the meeting, should include details of any steps or targets that have been agreed to help the employee to return to work, and any support that the Trust is providing for the employee.

### **17.3 Stage 2 long term sickness absence formal review meeting**

Once the employee is absent for three months, or as soon as it is confirmed that he/she will be absent for three months (for example, a fit note has signed him/her off for that period), his/her line manager should invite the employee to a stage 2 long term sickness absence formal review meeting.

The stage 2 long term sickness absence formal review meeting will be chaired by the employee's line manager. At the meeting, the line manager will:

- establish how the employee is doing and the likely length of his/her absence, bearing in mind the advice in the employee's fit note or medical report;
- discuss with the employee what steps can be taken to assist the employee in returning to work (for example, a phased return, amended job duties, altered hours of work, or workplace adaptations);
- if it appears that the employee will be unable to return to work, discuss the possibility of dismissal;
- explain to the employee his/her sick pay entitlement; and
- confirm when the next contact will take place (for example, if the employee is undergoing an operation, a reasonable period after the operation has taken place).

After the meeting, the line manager will set out in writing what has been discussed at a stage 2 meeting. The letter, which should be provided to the employee within 7 working days of the meeting, should include details of any steps or targets that have been agreed to help the employee to return to work, and any support that the Trust is providing for the employee.

#### **17.4 Stage 3 long term sickness absence final review meeting**

A stage 3 long term sickness absence final meeting will be arranged following the stage 2 long term sickness absence formal review meeting if:

- it is clear from medical advice that the employee is unable to return to his/her role in the foreseeable future;
- all reasonable steps to assist the employee in returning to work (for example, a phased return, amended job duties, altered hours of work, or workplace adaptations) have been exhausted; or
- the possibility of dismissal has been discussed with the employee.

A stage 3 long term sickness absence final review meeting will also be arranged once an employee has had a 12 month continuous absence period, or as soon as it is confirmed that the continuous absence period will last for at least 12 months (for example, a fit note has signed the employee off for a period that will take him/her beyond 12 months' continuous absence).

The meeting will be chaired by the Head Teacher (or Executive Vice Principal if the Head Teacher chaired the earlier stages), supported by a People Business Partner. At the meeting, the Head Teacher/Executive Vice Principal will consider all the circumstances of the employee's case, including:

- the length of the employee's absence and the likely length of future absence;
- medical advice on the employee's condition;
- what adjustments are available to help the employee to return to work; and
- the effect of the employee's continued absence on his/her colleagues and department.

After the meeting, the Head Teacher/Executive Vice Principal will set out in writing the outcome of the stage 3 meeting. The outcome of the meeting could be:

- a decision for the employee to remain on sick leave until he/she has recovered (typically where an approximate return date has been identified);
- the issue of a first or final formal caution that the employee's continued absence is unsatisfactory;

- an offer to make adjustments to the employee's work;
- redeployment with the employee's agreement (see below); or
- a decision to dismiss the employee.

The employee should be informed in writing of the decision within 7 working days of the meeting, which must include the employee's right of appeal against the decision, and how to exercise that right.

## **18. Appeal**

An employee who is given a formal caution or is dismissed under this procedure has the right of appeal. The appeal should be sent in writing to the Executive Principal and set out the grounds on which the employee believes that the decision was flawed or unfair.

The employee should lodge his/her appeal within 7 working days of receiving written confirmation of the sanction imposed on him/her by the Trust.

An appeal hearing will be convened if possible within at least 7 working days, but if for any reason this is not possible, within a reasonable period, after the appeal is lodged. The appeal hearing will be chaired by a more senior manager than the manager who made the decision that is being appealed, supported by a People Business Partner. The employee will be kept advised, in writing, of the progress of his/her appeal request.

The employee will be entitled to be accompanied by a workplace colleague, LinkUp Partner or trade union representative.

At the hearing, the decision to impose the sanction will be reviewed and the employee will be entitled to make representations about the appropriateness of that decision.

The outcome of the appeal will be confirmed to the employee in writing, within 7 working days, explaining the grounds on which the decision was reached. The outcome of the appeal will be final.

## **19. Return to work arrangements**

While the Trust endeavours to ensure that employees who have been on long term sickness absence return to their former post and way of working, it recognises that this is not always possible. The Trust sees the value of phasing employees back to work (this could include a gradual increase in hours or an initial period during which the employee works from home on certain days), temporarily adjusting their duties, or redeploying them permanently if they cannot return to their previous role.

When the employee returns to work, the employee's line manager should arrange to reintroduce the employee back into the workplace, and ensure that arrangements are made to support the employee on his/her return. These arrangements should include any agreed adjustments and (where necessary) a risk assessment.

## **20. Phased return to work**

Where an employee returns to work after a period of long term sick leave, the line manager should arrange to meet with the employee to discuss and agree a suitable return to work plan.

The phased return to work will usually arise following medical advice, which could be:

- a doctor's letter or medical report recommending a phased return; or
- one of the options on a fit note.

The meeting should cover whether or not a phased return to work is possible, and, if it is:

- when it could start, and with what work and hours;
- whether or not there will need to be any changes to the employee's work environment or workplace during the phased return to work and/or once the phased return to work is completed;
- when and how the employee's work and hours will develop during any phased return to work;
- what arrangements will be put in place to monitor the employee's progress during any phased return to work;
- the employee's pay during any phased return to work; and
- to whom the employee should report if there are any difficulties with his/her return to work.

Notes should be taken as to what has been discussed and agreed at the meeting and what follow-up has been agreed. The follow-up will often require a further meeting, and the date and arrangements for the next meeting should be agreed at the end of the first meeting.

The Trust will only pay the employee for the actual hours s/he has worked, if the employee's hours have temporarily reduced the employee can opt to take these non-working hours as either sickness, holiday or unpaid time for the duration of the employee's phased return.

## **21. Redeployment**

The Trust will consider redeployment where it appears unlikely from the medical advice that an employee on long term sickness absence will be able to return to his/her existing role. Any offer to redeploy the employee will be entirely at the Trust's discretion and where there is a vacancy available. Such an offer will be made only where the Trust is confident that the employee is no longer able to continue to work in his/her current role and will be able to perform well in the redeployed role. While the employee is free to refuse any offer of redeployment, the only alternative available will usually be dismissal. If the Trust believes that there is no alternative role available and suitable for the employee, the Trust may be left with no option but to dismiss. Should the employee choose to accept permanent redeployment, he/she will be asked to agree to a variation of contract.

## **22. Sick Pay**

The Trust operates a contractual sick pay scheme that is more generous than statutory sick pay (SSP).

### **22.1 Teaching Staff**

During sickness absence Teaching Staff will, in any year, receive the following sick pay from the Trust:

<b>Length of service</b>	<b>Entitlement</b>
During the first year of service	Full pay for 25 days and after completing 4 calendar months service, half pay for 50 days
During the second year of service	Full pay for 50 days and half pay for 50 days

During the third year of service	Full pay for 75 days and half pay for 75 days
During the fourth and subsequent years of service	Full pay for 100 days and half pay for 100 days

For the purpose of calculating a teacher's entitlement during a year, a year is deemed to begin on 1st April and end on 31st March of the following year. Where a teacher starts service after 1st April in any year, the full entitlement for that year will be applicable. Where a teacher is on sick leave on 31st March in any year, no new entitlements shall begin until the teacher has resumed duty and the period from April 1st until the return to duty is regarded as part of the preceding year's entitlement for the purpose of this scheme.

## 22.2 Support Staff

During sickness absence Support Staff will, in any 12 month period, receive the following sick pay from the Trust:

Length of service	Entitlement
During the first year of service	Full pay for 2 weeks (10 days)
During the second year of service	Full pay for 1.5 months (33 days)
During the third year of service	Full pay for 3 months (65 days)
During the fourth and fifth years of service	Full pay for 4.5 months (98 days)
After five years of service	Full pay for 6 months (130 days)

The Trust reserves the right to withhold or suspend sick pay under its contractual sick pay scheme at its discretion. Circumstances in which contractual sick pay may be withheld include where:

- the employee has failed to comply with the Trust's sickness absence notification and evidence requirements;
- the employee refuses to attend a medical examination at the reasonable request of the Trust;
- the employee's incapacity has been caused by participation in dangerous sports or activities or any other occupation the employee has;
- the employee makes or produces any misleading or untrue statement or document concerning his/her fitness to work;
- the employee has given or received notice to terminate his/her employment; and
- disciplinary proceedings are pending against the employee.

The employee will normally be entitled to receive SSP when contractual sick pay is withheld or suspended, although the Trust can withhold or suspend SSP if it is not satisfied that the employee is ill, and no evidence of sickness is provided.

Employees will be given written notice if their SSP or contractual sick pay is being withheld or suspended.

Sick pay under the Trust's scheme is subject to the usual deductions for PAYE, national insurance, pension contributions, etc.

Payments under the Trust's scheme will be calculated by reference to the employee's basic salary only and any payments made under the Trust's scheme are inclusive of any entitlement to SSP for the same period of absence.

## **23. Sickness absence and annual leave**

### **23.1 Support Staff (52 weeks only)**

#### **Sickness during holiday**

Where an employee falls sick or is injured while on holiday, the Trust will allow the employee to transfer to sick leave and take replacement holiday at a later time. This policy is subject to the following conditions:

- the total period of ill health must be fully certificated by a qualified medical practitioner where it exceeds seven calendar days;
- the employee must contact the Trust (by telephone if possible) as soon as he/she knows that there will be a period of sickness during a holiday;
- the employee must submit a written request no later than 10 days after returning to work setting out how much of the holiday period was affected by sickness and the amount of leave that the employee wishes to take at another time.
- Where the employee is overseas when he/she falls ill or is injured, evidence must still be produced that the employee was ill by way of a medical certificate.

Where the employee fulfils all of the above conditions, the Trust will grant the employee the same number of days' replacement holiday leave as the number of holiday days lost due to sickness or injury.

If an employee becomes ill or injured during a bank or other statutory holiday, the Trust cannot grant replacement holiday.

If an employee is ill or is injured before the start of a period of planned holiday, and is consequently unable to take the holiday, the Trust will agree to the employee postponing the holiday dates to another mutually agreed time. Any period of sickness absence will then be treated in accordance with the Trust's normal policy on sickness absence. The employee must submit a written request to postpone the planned holiday and this must be accompanied by medical evidence confirming that he/she is unfit, or is likely to be unfit, to take the holiday.

#### **Holiday during sick leave**

An employee who is absent on sick leave will continue to accrue his/her contractual holiday entitlement and will be given the opportunity to take this at a later date, including in the subsequent leave year, if he/she does not take his/her contractual holiday entitlement due to being on sick leave.

An employee on sick leave may apply to take his/her holiday entitlement while on sick leave. The holiday dates must be approved in accordance with the procedure set out in the Trust's Annual Leave Procedure.

### **23.2 Support Staff (term time only)**

If a term time only employee is sick during the school holidays, the correct sickness absence reporting procedure must be followed and the period covered will be treated as sickness absence, allowing the employee to take time off in lieu equivalent to the proportion of annual leave entitlement accrued during sickness absence at another time.

An employee on sick leave may apply to take his/her holiday entitlement while on sick leave. The holiday dates must be approved in accordance with the procedure set out in the Trust's Annual Leave Procedure.

### **23.3 Teaching Staff**

The rate of sick pay applicable to a teacher in respect of sickness during the closure of a school is the rate applicable to him/her on the last day before the closure. Where a teacher, therefore, is ill immediately preceding a closure period and:

- he/she is on full sick pay – he/she shall continue on full sick pay, but the closure period is not counted against his/her entitlement under 2.1 above;
- he/she is on half sick pay – he/she shall continue on half sick pay, but the closure period is not counted against his/her entitlement
- he/she has exhausted his/her sick pay entitlement and is not receiving any pay – he/she shall continue to receive no pay.

7.4 When a teacher is ill immediately preceding a closure of the school, and has exhausted his/her sick leave entitlement, or is on less than full pay, and recovers during the period of closure, such teacher shall be deemed, for the purpose of calculating the amount of salary due, to have returned to duty on the day he/she is authorised medically fit to do so by means of a doctor's statement obtained for that purpose, provided he/she actually returns to duty on the first day after the period of closure. Where a teacher in these circumstances does not return to duty on the first day after the period of closure he/she shall refund such sum as the Trust at our discretion may decide.