



Diocese of Salisbury  
Academy Trust

## **ABSENCE MANAGEMENT POLICY** **for all employees in** **Diocese of Salisbury Academy Trust**

This model procedure will apply to all staff

**For adoption and implementation from**

**Approved**

**Amended after HR circulation**

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## 1. INTRODUCTION

- 1.1 The Diocese Salisbury Academy Trust (DSAT) values the contribution of its entire staff to the delivery and maintenance of high quality education. DSAT is committed to supporting its staff working with a high degree of commitment and professionalism in a healthy environment.
- 1.2 DSAT and the Local Advisory Board (LAB) recognises that it has a duty of care to all staff and considers their health and well-being to be of significant importance. The purpose of this policy and procedure, therefore, is partly to accomplish this duty of care.
- 1.3 DSAT and the LAB recognise that there are occasions where staff are unable to attend work due to illness and are committed to providing appropriate support to all its staff in such circumstances.
- 1.4 DSAT and the LAB also have a duty to maintain high quality education. DSAT therefore expect regular attendance at work by all its employees and is committed to managing attendance when this falls below the expected level.
- 1.5 DSAT aim of in regard to this policy and procedure is not to force its employees to attend work when they are clearly unfit, but rather to promote and enhance a culture of attendance which promotes and recognises that good attendance contributes to the improvement of the learning experience of children, as well as provide a framework for support and guidance that will ensure the effective management of attendance within its Academies.
- 1.6 DSAT is aware of its obligations under the Equality Act 2010 and will comply with legislative requirements when operating this policy. DSAT and the LAB will include considering any reasonable adjustments that can be made to facilitate an employee's continued employment or return to work.

## 2. SCOPE

- 2.1 This policy and procedure apply in full to all DSAT Academy employees with the exception of employees as stated below.
- 2.2 Support staff in schools under Green Book terms and conditions are subject to a probationary period of 6 months. During this period such employees are expected to demonstrate their suitability for employment in the particular role to which they have been appointed and attendance issues will be taken into account when assessing suitability.
- 2.3 Further details concerning management of attendance for support staff (Green Book) during their probationary period is attached at Appendix A of this policy and procedure.
- 2.4 This policy and procedure will be applied, where appropriate, in conjunction with the DSAT Academy's Stress Management Policy.

## 3. STATEMENT

- 3.1 DSAT and the LAB is committed to the health, safety and well being of all Academy employees and to implementing procedures to support and manage staff absence whilst dealing with high levels of sickness absence appropriately.

## 2.2 DSAT in conjunction with the Academy LAB seeks:

- a. to retain employees in work. This will include where an employee have or develop a disability including making reasonable adjustments in accordance with disability legislation and;
- b. good attendance is valued and recognised;
- c. all employees are aware of the procedure for reporting sickness absence;
- d. fair and transparent procedures are in place to ensure the effective management of attendance and that all staff are treated consistently and with sensitivity at all times;
- e. matters raised relating to an employee's attendance do not automatically imply any distrust of staff or concerns regarding their conduct;
- f. absence due to genuine sickness is distinguished from any abuse of the attendance system;
- g. attendance is managed in a way that is non-discriminatory and in accordance with equal opportunities;
- h. appropriate advice, guidance and support is available to all employees;
- i. there is appropriate early intervention in respect of managing attendance;
- j. open communication is encouraged. It is essential that due consideration is given to the health/welfare of the employee in establishing the appropriate level/method of communication.
- k. the management of attendance takes account of the requirements of relevant legislation, best practice and individual circumstances;
- l. employees are not expected to undertake work at home when they have reported that they cannot attend work due to sickness unless it is deemed and agreed as an appropriate temporary adjustment in cases where an employee is only unable to attend work due to a physical restriction (e.g. unable to drive) but would otherwise be able to attend work and wishes to undertake work at home. Employees will not be forced to undertake work at home where they cannot attend work due to sickness;

## 4. RESPONSIBILITIES

### 4.1 The DSAT and the Local Advisory Board (LAB) have responsibility for ensuring:

- a. the policy and procedure and associated policies and procedures are consistently implemented whilst recognising that individual cases may require some flexibility;
- b. that attendance levels are monitored and that prompt and effective action is taken as needed;
- c. that, in the case of a Principal/Headteacher or CEO being absent due to sickness, appropriate arrangements are made to minimise the impact on other staff where possible.

- d. that the Principal/Headteacher regularly provides information to the CEO on attendance levels within the Academy.

4.2 CEO, Principals/Headteachers or line managers will ensure:

- a. that all employees, including new employees during their induction period, are made aware of their obligations under this procedure;
- b. the policy and procedure and any associated policies and procedures are consistently implemented whilst recognising that individual cases may require some flexibility;
- c. that attendance levels are monitored and that prompt and effective action will be taken when needed;
- d. that recording and reporting of all sickness will be undertaken in a timely manner;
- e. timely reporting of sickness to the DSAT payroll provider and HR to ensure that the appropriate deductions from sick pay entitlement are made;
- f. that appropriate contact will be maintained with employees during periods of absence. It is essential that due consideration is given to the health/welfare of the employee in determining the appropriate level/method of contact;
- g. that staff are advised to seek advice from their trade union representative where appropriate at an early stage;
- h. that Principals/Headteachers and the CEO seek advice from the HR Manager at the earliest opportunity when there are concerns about an employee's sickness absence record;
- i. that work is appropriately covered during an employee's absence without adversely impacting on other colleagues' workloads in line with the Workload Agreement;
- j. that there is no expectation on employees who are absent due to sickness to undertake work at home during such absence unless it is deemed and agreed as an appropriate temporary adjustment in cases where an employee is only unable to attend work due to a physical restriction (e.g. unable to drive) but would otherwise be able to attend work and wishes to undertake work at home. Employees will not be forced to undertake work at home where they cannot attend work due to sickness;
- k. that employees are appropriately supported on their return to work this will include, undertaking a return to work interview after every absence and, where appropriate, review meetings copies will be retained on the employees staff file and where appropriate copies will be forwarded to HR;

4.3 All employees have a personal responsibility to:

- a. take all reasonable measures to ensure that their attendance is maximised;
- b. ensure a duty of care to themselves – i.e. to adopt safe working practices.
- c. notify their manager of their absence in accordance with the sickness absence reporting procedure;
- d. raise concerns with the Principal/Headteacher, CEO or line manager in the event that the cause(s) of their absence is work-related;

- e. inform their Principal/Headteacher, CEO or line manager of any ill-health, medication, treatment or personal issues which may affect their performance or attendance;
  - f. agree and maintain appropriate contact with their Principal/Headteacher, CEO or line manager during sickness absence.
- 4.4 Trade Unions have a vital role to play in supporting their members by working with the Principal/Headteacher, CEO, DSAT or LAB to help maintain standards. To this end it is recommended, where relevant, that employees be advised to make contact with their trade union representative at the earliest opportunity in order that the appropriate advice, guidance and support can be offered to the employee.

## **5. REVIEW**

- 5.1 This policy and procedure will be reviewed periodically by DSAT who will make amendments to reflect any changes to legislation.

## **6. ATTENDANCE MANAGEMENT PROCEDURE**

- 6.1 The DSAT Attendance Management Procedure has been designed to deal with all employee sickness absences promptly. The procedural guidance below outlines the key aspects which support this principle.
- 6.2 This procedure has been drafted to address both short term or intermittent absence as well as long term absence appropriately via both informal and formal processes. Other concerns linked to the sickness absence of an employee (for instance persistently failing to notify or certificate appropriately or an employee displaying behaviour inconsistent with a reported absence) will be treated as misconduct issues and addressed through the Academy's Disciplinary Procedure as highlighted at the appropriate points within this document.
- 6.3 While the procedure is designed to provide a consistent approach, it also affords an appropriate level of discretion to the Principal/Headteacher, CEO or line manager to take account of individual circumstances in managing cases fairly and sensitively bearing in mind the needs of the employee and the school.
- 6.4 Where attendance issues are identified in respect of the Principal/Headteacher, references to the Principal/Headteacher should be replaced by the CEO.
- 6.5 Where attendance issues are identified in respect of the CEO, references to the CEO should be replaced by the DSAT Board.

## **7. CONFIDENTIALITY**

- 7.1 DSAT recognises that information relating to an employee's health is of a personal and sensitive nature and must be treated as confidential at all times.
- 7.2 There may be occasions where an employee wishes the reason(s) for their absence to remain confidential. The Principal/Headteacher, CEO or line manager in receipt of such requests will respect these wishes and ensure that all such information remains confidential. It must be recognised, that the Principal/Headteacher, CEO or line manager will need to take advice from DSAT HR and in doing so this will not constitute a breach of confidentiality.

## 8. NOTIFICATION OF ABSENCE

8.1 If an employee is absent from school due to illness they must personally *as a minimum requirement* make arrangements to:

### Day One

- notify their Principal/Headteacher, CEO or line manager as early as possible in accordance with the DSAT procedures at least one hour before the beginning of the school day;
- in the case of the Principal/Headteacher notify Academy Office who in turn will inform the CEO;
- will give an explanation of the absence, the first day of sickness and if possible an indication of a likely return date.

### Day Four

- staff remaining absent through sickness on day 4 (including Saturdays, Sundays and Bank Holidays) will repeat the notification of absence procedure as in for day one.

### Day Seven

- staff absent for 7 consecutive days or more (including Saturdays, Sundays and Bank Holidays) must repeat the notification of absence procedure as in for day one (also refer to 10.3).

8.2 Where an employee becomes ill during the working day and has to go home they must ensure that they notify the Principal/Headteacher, CEO or their line manager that they are doing so prior to leaving school premises.

8.3 If an employee is unable to personally notify the Principal/Headteacher, CEO or line manager of their absence (e.g. as they are hospitalised or are abroad and unable to make contact), they should make arrangements for the appropriate contact to be made on their behalf as soon as possible.

8.4 In the case of long term absence, if it is clear at the outset that an employee will be absent for a longer period then the employee does not need to follow the notification procedure at day four and day seven as outlined above. In such cases contact arrangements will be agreed between the Principal/Headteacher, CEO or line manager early on in the absence. It is essential that that due consideration is given to the health and welfare of the employee in establishing the level and method of contact that is considered appropriate.

8.5 In the event of a teacher being absent due to sickness before a school holiday commences and then becoming fit to return to work during the school holiday, they must notify the Academy, during school holidays staff who are fit to return to work must also advise HR that they are fit to return to work and the date they intent to return.

8.6 Employees must notify their Principal/Headteacher, CEO or line manager of their intention to return to work in advance of doing so in order that the cover arrangements that have been put in place can cease. Where absence is medically certified by a Statement of Fitness for Work (fit note), which states that the employee may be fit for work with restrictions and/or adjustments, the Academy will need to discuss the

proposed adjustments with HR and the employee. In addition, they may also need to consider whether a referral to Occupational Health is appropriate taking advice from the HR Manager. If, having discussed the proposed adjustments with the HR Manager and the employee and taken into account advice and guidance from Occupational Health the school is unable to make the adjustments recommended, the fit note will be treated as confirmation that the employee is still unfit for work. In these circumstances, further advice should be sought from the HR Manager.

- 8.7 Where an employee has indicated a day that they intend to return to work and then becomes unable to do so due to continuing sickness, they should notify the Principal/Headteacher, CEO or line manager as early as possible or at least one hour before the beginning of the school day.
- 8.8 Principal/Headteacher, CEO or line managers should complete and retain appropriate documentation in order to maintain an ongoing record of an employee's sickness absence.

## **9. FAILURE TO NOTIFY ABSENCE**

- 9.1 If an employee fails to notify the Principal/Headteacher, CEO or line manager of their absence without good reason this could lead to disciplinary action under the Academy's disciplinary procedure and could lead to loss of sick pay. In such cases the Principal/Headteacher, CEO or line manager should take all reasonable steps to contact the member of staff and establish the reason for the absence and set down the expectations required in respect of future contact, HR must be contacted to discuss the matter further.
- 9.2 The Principal/Headteacher, CEO or line manager will initially try to contact the employee by telephone to seek to establish the reason(s) for the absence and why the employee has not notified absence in accordance with the procedure. A visit to the employee's home address is not appropriate. Contact must be made with HR where there is a concern about the welfare of an individual as a result of no contact being established.
- 9.3 Should contact not be established the Principal/Headteacher, CEO or line manager will seek HR advice and guidance about writing to the individual with a clear date by which contact must be made.
- 9.4 Appropriate documentation, including model letters, will be provided by the HR department.

## **10. CERTIFICATION OF ABSENCE**

- 10.1 Employees must provide a covering self certification form from day one of their absence, on each occasion that they are absent from work through sickness. A self certification form is available from the Academy Office.
- 10.2 Employees are required to complete the self certification form on return to work where they are off for one working day and up to 7 calendar days.
- 10.3 Employees who are absent for 8 days or more (including Saturdays, Sundays and Bank Holidays) will in addition to a self certificate note, need to submit a fit note from their Doctor. Employees should continue to submit fit notes at regular intervals as long as they are absent from work.



10.4 Failure to produce a fit note within 5 working days of it being due will (except in exceptional circumstances) result in loss of sick pay. Employees will be notified in writing of the possibility of sick pay being stopped prior to action being taken.

10.5 Fit notes will confirm one of the following:

- a. That the employee is unfit for work
- b. That the employee may be fit for work with restrictions/adjustments

If the fit note confirms that the employee may be fit for work with restrictions and/or adjustments, the Principal/Headteacher or CEO will need to consider whether it is possible to implement the advice on the fit note. The Principal/Headteacher or CEO should discuss the proposed adjustments with HR to consider whether further guidance is needed before making any decision about whether the proposed adjustments can be accommodated. If the proposed adjustments cannot be accommodated or are deemed to be unreasonable, the fit note will be viewed as confirmation that the employee is unfit for work.

10.6 Generally there is no requirement for an employee to be signed back as fit for work by their GP if the employee returns at the end of the period of the fit note. Occasionally a not fit for work statement will include a recommendation from the GP that they will need to assess fitness for work at the end of any specified period. Where the GP has indicated their wish to further assess fitness at the end of the statement period, the Principal/Headteacher, CEO or line manager should check with the employee that they have seen their GP again before they return to work.

## 11. CONTACT DURING ABSENCE

11.1 Employees should follow the notification of sickness absence procedure as set out in Paragraph 8 of this policy and procedure when notifying the Principal/Headteacher, CEO or line manager of their absence.

11.2 It is recognised that keeping in contact is often a key factor in helping employees return to work after sickness absence which is longer term in nature and that without contact, employees may feel increasingly out of touch and undervalued. At the same time it is recognised that great sensitivity is required when communicating with employees on long term sick leave and that they must be treated fairly, with dignity and respect.

11.3 In cases of longer term absence the method and frequency of contact between the employee and Principal/Headteacher, CEO or line manager will be agreed with due consideration being given to the health and welfare of the employee in establishing the appropriate level and method of contact.

11.5 Where meetings are arranged on a formal basis as part of the procedure for managing attendance the HR Manager will attend the meeting and the employee may be represented by a work colleague or union representative, but not by a family member or relative (refer to **Paragraphs 19 and 20** of this policy and procedure).

## 12.CONDUCT DURING ABSENCE

12.1 Where an employee is unable to attend work due to sickness, the expectation of the Principal/Headteacher, CEO, LAB and DSAT is that the employee will not engage in any activities which may be detrimental to their recovery.

- 12.2 Clearly, dependent on the nature of the illness it may be that some activities are more appropriate than others but inappropriate activities that may conflict with sickness absence may include undertaking other employment whilst off sick and/or engaging in activities such as significant social or sporting activities.
- 12.3 If an employee is witnessed or otherwise evidenced behaviour is inconsistent with the nature of their reported absence, such evidence may be presented to the employee, responses sought and the issue considered, including seeking medical opinion from Occupational Health, when deciding upon a course of action. Disciplinary action may be considered under the Academy's Disciplinary Procedure.
- 12.4 When an employee is off sick and in receipt of sickness payments they will not undertake work for another employer. Where work is to be undertaken for another employer, employees must notify their Principal/Headteacher, CEO or line manager. Principal/Headteacher, CEO or line manager will seek advice from HR.

### 13. RECORDING ABSENCE

- 13.1 All types of sickness absence will be recorded for all employees by the Principal/Headteacher, CEO or line manager, including absences that last for part of a working day. Authorised absence (see **Paragraph 14** of this policy and procedure) will not be regarded as sickness absence, and therefore will not be recorded for the purposes of this policy.
- 13.2 Information concerning absences will be submitted to DSAT HR Support Services as soon as possible in order for sick pay arrangements to be made.

### 14. AUTHORISED ABSENCE

- 14.1 All employees should make reasonable efforts to arrange medical, dental or other such appointments outside of normal working time wherever possible.
- 14.2 If absence during working hours is required, employees must agree this prior to such absence with the Principal/Headteacher, CEO or line manager. Where it is accepted that an appointment cannot be made outside of work time, authorised absence can be agreed for the time off required. In these circumstances the Leave of Absence policy should be followed.
- 14.3 Absence for emergency treatment should be treated as sickness absence.
- 14.4 If regular attendance at appointments is required, employees should make reasonable efforts to ensure that these are outside of working time or, if appropriate, that flexible working arrangements are agreed with the Principal/Headteacher, CEO or line manager to enable time off required to be worked at another time. Where it is accepted that an appointment cannot be made outside of work time, authorised absence can be agreed for the time off required as per the Leave of Absence Policy. Where such absence is lengthy and/or ongoing advice from Occupational Health will also be sought. This will be in order to determine what the ongoing medical need is and to inform a management decision as to whether adjustments to the working pattern/role should be made on a temporary or permanent basis where appropriate to accommodate employee needs.
- 14.5 Where employees require time off work to deal with emergencies involving a dependant, including sickness of a child or elderly relative, arrangements for time off should be made as outlined in the 'Leave of Absence Policy' (which includes time off for

dependants).

## 15. SICK PAY SCHEMES AND RULES

- 15.1 Employees who are absent due to sickness are entitled to receive payment according to the following provisions:

**Staff employed on terms other than School Teachers Pay and Conditions:**

**Year 1 – 1 month full pay and (after 4 months service) 2 months half pay**

**Year 2 – 2 months full pay and 2 months half pay**

**Year 3 – 4 months full pay and 4 months half pay**

**Years 4 & 5 – 5 months full pay and 5 months half pay**

**After 5 years – 6 months full and 6 months half pay.**

**Staff employed on School Teachers Pay and Conditions:**

**Year 1 25 working days full pay (after 4 calendar months) 50 working days half pay**

**Year 2 50 working days full pay and 50 working days half pay**

**Year 3 75 working days full pay and 75 working days half pay**

**Year 7 100 working days full pay and 100 working days half pay**

## 16. RETURN TO WORK

- 16.1 A return to work discussion will take place between the Principal/Headteacher, CEO or line manager and employee after each sickness absence regardless of the duration or nature of the absence.
- 16.2 The purpose of the meeting will be to welcome the employee back to work, enquire about the reason for the absence and check that they are fit to return to work. The discussion will also include trying to ascertain if there are any other factors leading to the employee's absence such as work related factors or circumstances at home. Furthermore, the discussion will involve updating the employee on work issues and ensuring that there is an accurate record of the absence as well as the appropriate certification.
- 16.3 A brief record of the meeting will be made and retained on the employees staff file.

## 17. REFERRALS TO OCCUPATIONAL HEALTH

- 17.1 A referral to Occupational Health will be made at any time where there is a concern about an employee's health and/or attendance record.
- 17.2 A referral to Occupational Health may be made at any time where adjustments have been suggested by the GP which the academy is not able to meet or where there is a recommendation of a phased return by the GP and additional information is required.

17.3 A referral should be made by the Principal/Headteacher, CEO or line manager via the HR Manager to Occupational Health if the level, pattern or type of sickness absence warrants medical investigation or where the employee has been absent through sickness continuously for 4 weeks or more and a medical investigation is deemed appropriate.

17.4 The purpose of making referrals to Occupational Health is:

**(a) In the case of short term absence:**

- to ascertain if there is an underlying medical condition that results in the employee having absence on a short term, intermittent basis;
- to assist in the management of the case by identifying if it is appropriate to make reasonable adjustments in the case of absences that could be attributed to a disability and to identify if any steps can be taken to help the employee improve their attendance;
- to ascertain whether there is a medical reason why the employee should not render regular and reliable service;
- to assist with workplace risk assessments.

**(b) In the case of long term absence:**

- to provide an indication of the likely duration of the employee's absence;
- to assist in the management of the case by identifying if it is appropriate to make reasonable adjustments in the case of absences that could be attributed to a disability and to identify if any steps can be taken to help the employee return to work;
- to ascertain whether recovery is long term or is unlikely and that no return to existing or alternative employment is foreseen and whether ill health retirement may be supported.
- to assist with workplace risk assessments.

17.4 Where an employee is requested to attend an appointment with Occupational Health but refuses to do so, the reason for refusing should be explored with the individual in order to allay any fears that the employee may have as to the reason for the referral. The employee should also be advised that continued refusal may have an impact on employment decisions made as these will be made on all the information available, hence the importance of professional medical advice and comment.

17.5 The HR Manager will send the Principal/Headteacher, CEO or line manager copies of any occupational health reports received either via E-mail or post as requested.

**17.6 Staff Care Counselling**

17.6.1 Employees should be made aware of the DSAT Counselling Service which is available to all staff.

## **18. DEALING WITH FREQUENT SHORT TERM ABSENCE**

18.1 Where an employee's absence level meets one of the following trigger points the Principal/Headteacher, CEO or line manager will review the absence levels:

- 3 or more occasions of sickness absence in any 6 month period;

- 5 or more working days sickness absence within any 6 month period;
- any other recurring recognisable patterns which give rise to concern such as frequent absenteeism on a Monday/Friday, yearly patterns such as the same week each year and absenteeism coinciding with deadline dates or peaks in workloads.

## 19. THE INFORMAL ATTENDANCE PROCEDURE

- 19.1 The Principal/Headteacher, CEO or line manager will consider the absence levels and hold an informal discussion with the employee. In exceptional circumstances the Principal/Headteacher, CEO or line manager may deem this discussion unnecessary in which case a note will be made as to the reason why and monitoring of absence should continue.
- 19.2 The informal discussion should cover the following:
- a. discussion of the absence record, revisiting the reason(s) for the absence;
  - b. identification of any areas for support needed and/or required;
  - c. setting reasonable targets for improvement;
  - d. establishing whether any aspect of the job is affecting the health of the employee and whether any practical steps can be taken to improve the situation;
  - e. determining whether the reason for absence may be stress related and whether following the Stress Management Policy is appropriate (see **Paragraph 25.5** of this policy and procedure);
  - f. determining whether making temporary or permanent reasonable adjustments may be appropriate in the circumstances;
  - g. whether referral to Occupational Health is appropriate (for example to assess whether the absences are related to a disability).
- 19.3 If, following an informal discussion, the employee's sickness absence record does not improve (i.e. a further trigger point is reached) the formal procedure will then be instigated.
- 19.4 Return to Work discussions **will take place following every absence** and provide an informal opportunity for the Principal/Headteacher, CEO or line manager to bring attendance patterns of concern to the attention of individuals and to explore opportunities and interventions aimed at improving attendance and avoiding formal action. Therefore, an individual will never unknowingly find themselves under consideration of the Formal Attendance Procedure.
- 19.5 Full details of the Informal Attendance Procedure are incorporated into **Appendix B** of this policy and procedure.

### 19.6 The Formal Attendance Procedure

- 19.6.1 The Formal Attendance Procedure consists of 3 stages leading up to (and including) consideration of dismissal. The stages are progressive and are intended to remind and

enforce the attendance standards that are expected from all employees and to provide employees with the opportunity to improve their attendance levels. Where formal action has been instigated, consideration will only be given to instigating the next stage where a further trigger is hit. An employee will always be aware of any formal procedure being commenced through return to work interviews or the informal stages of the procedure.

- 19.6.2 In instances of disability related absence, the triggers will act as a mechanism to review attendance. However, those absences that are disability related will be discounted in terms of issuing any warnings unless all reasonable adjustments have been exhausted and the level of sickness absence cannot be accommodated. Warnings will only be issued where there is no other alternative. Please refer to section 25.1 for further information about disability related absence.
- 19.6.3 Full details of the Formal Attendance Procedure are incorporated into **Appendix B** of this policy and procedure.
- 19.6.4 At all stages of the Formal Attendance Procedure, employees will have the right to be accompanied by a trade union representative or colleague but not by a family member or relative or anyone acting in the capacity of a practising lawyer.
- 19.6.5 The outcome of formal meetings will be confirmed in writing to the employee and the right of appeal given against formal action provided.
- 19.6.6 Employees are expected to cooperate in attending informal and formal meetings and failure to do so may result in decisions regarding their absence and future employment based only on information available at the time. Should an employee be unable to attend an arranged meeting due to medical reasons, the meeting will be rearranged on one occasion providing a doctor's certificate specifying that the employee cannot attend is provided. Should an employee be unable to attend the rearranged meeting, without good reason, the meeting will proceed without the employee being present.
- 19.6.7 Further guidance on the application of the Informal and Formal Attendance procedures can be sort from the HR Manager.
- 19.6.8 In instances where an employee has been issued with a formal warning and their attendance improves in the subsequent 12 month period (i.e. they do not meet another trigger) but their sickness absence then becomes a matter of concern again, the reason for the continued absence will be considered in determining whether it is appropriate to take action at a higher level rather than repeating a previous step. Where an employee has reached Stage 3 (Absence Hearing) of the procedure, where dismissal is being considered, but is not dismissed they will return to Stage 2 of the procedure.

## 20. DEALING WITH LONG TERM ABSENCE

- 20.1 Long term absence shall be deemed to be periods of unbroken absence of 4 weeks or more.
- 20.2 The Principal/Headteacher, CEO or line manager should agree with the member of staff appropriate arrangements for maintaining contact including informal meetings as outlined in **Paragraph 11** of this policy and procedure to establish the state of their health and, if possible, when they expect to return to work. It is recognised, however, that such contact may not be required at an early stage (for instance where the employee is recovering from an operation). The objective, however, is that an appropriate level of contact will be established and maintained and employees have a duty to keep their Principal/Headteacher, CEO or line manager updated of any changes and developments in their circumstances.



- 20.3 A referral to Occupational Health will be made as outlined in **Paragraph 17** of this policy and procedure.
- 20.4 A formal review meeting will take place with the employee at the appropriate time and certainly by the time an employee has been continuously absent for 6 months. The case will be assessed by the Principal/Headteacher, CEO or line manager (with advice from the HR Manager) regarding long-term employment prospects and will cover the following:
- a. the employee's current state of health;
  - b. the likely duration of the continued sickness absence;
  - c. the employee's expectations about their future fitness to return to work;
  - d. whether a further referral to Occupational Health is appropriate;
  - e. identifying if there are any steps (e.g. reasonable adjustments) that can be taken to assist with the employee's return to work on a phased or permanent basis;
  - f. identifying if there are any other support mechanisms that would be appropriate for the employee to access;
  - g. investigating whether the employee may be eligible for ill health retirement;
  - h. raising the possibility of dismissal due to the employee's incapability to undertake their job due to ill health.
- 20.5 The flowchart in Appendix B summaries how to manage long term sickness cases.

## **21. DEALING WITH SHORT TERM ABSENCE FOLLOWING LONG TERM ABSENCE & LONG TERM ABSENCE FOLLOWING PERIODS OF SHORT TERM ABSENCE**

- 21.1 There may be instances where an employee has returned to work following a long term absence and they then have a pattern of recurring short term, intermittent absence.
- 21.2 In these circumstances the Principal/Headteacher, CEO or line manager will arrange for an informal discussion in the first instance. The purpose of the discussion will be to review the attendance record and to check the progress of the employee's health and identify if there are any actions that can be taken to assist the employee to improve their attendance.
- 21.3 Consideration will also be given as to whether it is appropriate to refer the employee back to Occupational Health for an assessment of fitness to undertake the duties of their post and a prognosis regarding their ability to maintain regular attendance.
- 21.4 The employee will also be advised that, ultimately it may be necessary to hold a formal meeting to discuss their absence and that if sickness absence levels continue at an unacceptable level, procedures to deal with short term sickness absence, as outlined in **Paragraph 19** of this policy and procedure may be invoked.
- 21.5 Conversely, there may be instances where an employee has had periods of short term absence and is then absent on a long term basis. This may include situations where the

formal procedure in respect of short term absence has already commenced. In these circumstances the Principal/Headteacher, CEO or /line manager will follow the procedure as outlined in **Paragraph 20** of this policy and procedure.

## **22. RETURN TO WORK AFTER LONG TERM SICKNESS ABSENCE**

- 22.1 Any return to work following a long period of absence will be managed appropriately and consideration will be given to occupational health advice in managing any return including the requirement for:
- a. risk assessment;
  - b. reasonable adjustments to the role or working pattern;
  - c. phased return to work;
- 22.2 A meeting will be held with the employee to discuss and agree return to work arrangements. The agreed arrangements will be confirmed in writing to the employee.
- 22.3 Either a fit note stating that an employee may be fit to start a phased return to work or an occupational health report supporting a phased return will be required for consideration of any phased return. A phased return will last for a maximum period of 3 weeks during which time the employee will be on normal pay. The arrangement will be regarded as a temporary variation to the contract of employment or temporary redeployment to an alternative post to facilitate a return to work.
- 22.4 In exceptional circumstances, and with the support of Occupational Health, the Academy may agree to the temporary adjustment lasting for a longer period of time (up to a maximum of 2 months) with the employee on normal pay. HR advice will be sought in respect of such exceptional circumstances.
- 22.5 Longer time limited adjustments may also be agreed with a corresponding adjustment to the contract of employment, including adjustments to pay where appropriate.
- 22.6 Should occupational health advice indicate that an employee is permanently unfit to fulfil their contract of employment, subsequent to returning from long term sickness and after a period of phased return/temporary adjustment, a permanent adjustment to the contract of employment will be considered. Where appropriate, ill-health retirement or dismissal will be considered with supporting evidence from Occupational Health and an Independent Medical Advisor.

## **23. REASONABLE ADJUSTMENTS**

- 23.1 The DSAT through the CEO has a statutory responsibility to ensure that reasonable adjustments are considered in accordance with the Equalities Act when considering the employment of a person with a disability or the continuing employment of an employee who has become disabled in the course of their employment.
- 23.2 GPs may recommend adjustments to the Academy in order to assist with a return to work for an employee. The Academy is advised to refer to paragraph 22.3 and the HR Manager when there are recommendations for phased returns.
- 23.3 Advice must be sought from HR and Occupational Health when considering reasonable adjustments in any short term or long term absence cases.



## 24. REDEPLOYMENT

- 24.1 Where possible, redeployment to another post within the Academy or another Academy will be considered as an alternative to a return to work in a substantive post, or dismissal on medical grounds.
- 24.2 In these cases account will be taken of medical advice from occupational health.
- 24.3 Redeployment will also be dependent upon an individual meeting the essential selection criteria for the post. Where appropriate, additional training and/or a trial period may be agreed.
- 24.4 In the event of redeployment on medical grounds salary protection will not apply.
- 24.5 Further details can be found in the **Redeployment Policy**.

## 25. SPECIFIC CIRCUMSTANCES

### 25.1 Disability related sickness

- 25.1.1 DSAT and the LAB understand their responsibilities under the Equality Act and therefore, their duty to ensure that there is no discrimination against an employee for a reason related to their disability where they receive unjustified, less favourable treatment than they would otherwise receive.
- 25.1.2 DSAT and the LAB also understand the requirement to make reasonable adjustments for those employees with a disability and that this could include adjustments in respect of absence as a result of their disability.
- 25.1.3 In managing any case of sickness absence that is related to a disability, particular consideration will be given to making reasonable adjustments in order to either enable the employee to return to an acceptable pattern of attendance or to accommodate the absence.
- 25.1.4 The Formal Attendance Procedure will be followed in terms of the triggers acting as stages to review attendance but those absences that are disability related will be discounted in terms of issuing any warnings unless all reasonable adjustments have been exhausted and the level of sickness absence cannot be accommodated. Warnings will only be issued where there is no other alternative.
- 25.1.5 Where redeployment is deemed as a reasonable adjustment this considered as appropriate
- 25.1.6 HR advice will be sought in respect of any sickness absence cases that include disability related sickness.

### 25.2 Sickness following an accident at work

- 25.2.1 Where an employee has had an accident at work causing sickness absence and medical evidence confirms that sickness is as a result of an accident at work, provisions specified in the Green Book (support staff) and Burgundy Book (teachers) will be followed in respect of pay.

25.2.2 Any such cases must be approved by DSAT with advice sought from HR.

25.2.3 Any accident at work must be reported to the Principal/Headteacher, CEO or line manager as quickly as possible in accordance with the Accident Reporting Policy and Procedure. An accident/incident report form should also be completed, one copy of which should be held by the Principal/Headteacher, CEO or /line manager and a copy sent to the DSAT Health and Safety Officer.

### **25.3 Sickness following an accident whilst not at work (including involvement of a third party).**

25.3.1 If an employee is absent due to an accident out of work involving the negligence of a third party in respect of which damages are recoverable they should advise the Academy.

25.3.2 Where damages are paid, DSAT may decide that the employee should refund a sum equal to the aggregate of any sick pay paid during the period of absence as is deemed appropriate but not exceeding the total amount of damages recovered.

### **25.4 Sickness during pregnancy**

25.4.1 Pregnancy related sickness will count towards sick pay entitlement. However, employees will not suffer detriment due to pregnancy related sickness and this will therefore be discounted when considering whether any action should be taken under these procedures.

25.4.2 However, return to work interviews and informal review meetings may take place in order to address whether there are any issues or actions that could be taken to assist the pregnant employee who is experiencing any work related problem contributing to the sickness. This will not include setting any improvement targets but may include a specific risk assessment of duties in light of the pregnancy (over and above the standard assessments which are to be conducted during pregnancy).

### **25.5 Stress related sickness**

25.5.1 DSAT, the CEO, Principal/Headteacher and the LAB are committed to taking all reasonably practicable steps to protect employees from high levels of stress and support them as appropriate.

25.5.2 DSAT and the LAB supports the principle that employees should raise concerns about unacceptable levels of stress with the Principal/Headteacher and/or CEO well before this leads to sickness absence and would recommend that employees use the appropriate procedure in the Stress Management Policy to do so.

25.5.3 However, should an employee report that their absence is stress related (whether work or non-work) appropriate action will be taken to ensure early intervention and that the Stress Management procedure is followed initially rather than the process outlined in this procedure.

### **25.6 Very serious/terminal illness**

25.6.1 Cases involving terminal illness will be dealt with sympathetically and with sensitivity to the individual's circumstances and HR advice will be sought in respect of this.

- 25.6.2 It is acknowledged that people are affected differently by the knowledge that they are terminally ill and DSAT and the LAB will support an individual employee's wishes as best they can in respect of continuing at work or otherwise.

## **25.7 Ill health that does not lead to absence from work**

- 25.7.1 There may be occasions where an employee is suffering from ill health but this does not lead to the employee being absent from work. If the employee believes that the ill health is having an impact on their ability to undertake their job they should raise this with the Principal/Headteacher, CEO or line manager. The Principal/Headteacher, CEO or line manager will discuss the matter confidentially with the employee and decide whether any additional support can be provided. Depending on the circumstances, advice will be sought from the HR Manager and Occupational Health.

## **25.8 Cosmetic Surgery**

- 25.8.1 Where plastic surgery/cosmetic surgery is certified by a doctor/consultant indicating that the surgery is essential to the employee's health/wellbeing, the employee will receive occupational/statutory sick pay during their absence. If, however, the surgery is to be carried out without such certification and absence from work is required, then arrangements for annual leave or unpaid leave must be made in advance.

# **26. TERMINATION OF EMPLOYMENT**

- 26.1 DSAT is committed to retaining employees. However, it is recognised that there are circumstances where this is not possible. These circumstances can occur where:

- a. the employee is permanently unfit to undertake the duties of their post or another suitable post within the Academy;
- b. the employee is medically incapable of undertaking their duties and redeployment opportunities within the Academy cannot be secured;
- c. there is a failure to attend work on a regular/sufficient basis which leads to dismissal as a result of the short term/intermittent absence procedure outlined in paragraph 19 of this policy and procedure

## **26.2 Retirement on Grounds of Ill health – employees who are members of the Local Government Pension Scheme (LGPS)**

- 26.2.1 Retirement on the grounds of ill health and any subsequent pension entitlements will only be granted where it is the opinion of the independent occupational health physician that the employee is permanently incapable of carrying out their duties in their current employment due to a medical condition and that the employee has a reduced likelihood of obtaining other gainful employment (whether in local government or elsewhere), either before the age of 65 or within the next three years.

- 26.2.2 All employees who are members of the LGPS and whose employment is terminated because they are permanently incapable of carrying out their current job and are unable to work immediately after leaving their current job, are entitled to an ill health provision. There are three tiers of benefits available to those employees whose employment is terminated because they are permanently incapable of carrying out their current job.

- 26.2.3 Tier 1 benefits will be payable where an employee is judged permanently incapable of carrying out their current job because of ill health or infirmity of mind or body and as a

result of their ill health or infirmity, there is no reasonable prospect of them being capable gaining other gainful employment before the age of 65.

26.2.4 Tier 2 benefits will be payable where an employee has been judged permanently incapable of carrying out their current job because of ill health or infirmity and as a result of this, they are incapable of obtaining other gainful employment within the next three years but they are likely to be capable of obtaining other gainful employment at some time thereafter and before the age of 65.

26.2.5 Tier 3 benefits will be payable in cases where an employee has been judged permanently incapable of carrying out their current job but they are judged likely to be capable of obtaining gainful employment within the next 3 years. Further guidance on the ill health retirement process for members of the LGPS can be found on the LGPS website.

### **26.3 Retirement on Grounds of Ill Health – employees who are members of the Teachers Pension Scheme (TPS)**

26.3.1 The employee needs to make an application for their pension benefits to be released early on the grounds that their ill health makes it impossible for them to undertake their current duties. This application is made to the TPS via Human Resources and must be supported by the employee's GP/specialist and Occupational Health. Retirement on the grounds of ill health and any subsequent pension entitlements will only be granted where it is the opinion of the Department for Education (DfE) Medical Advisor that the employee is permanently incapable of carrying out their duties due to a medical condition.

26.3.2 To apply for ill health retirement benefits, the employee needs to complete the Application for Ill-Health Retirement Benefits form (Ill-Health APP) and the Ill-Health Retirement Benefits – Medical Information form (Ill-Health MED) which can both be found on the TPS website along with the Ill-Health Guidance Notes at <http://www.teacherspensions.co.uk>

26.3.3 The employee should then complete Part A of the Application form and Part A of the Medical Information form. Part A and B of the Application form and Part A and B of the Medical Information form should both be sent to your HR Manager contact in Human Resources Employee Relations. Employee Relations will then liaise with Occupational Health for them to complete Part B of the Medical Information form and once this has been done, will submit all the relevant paperwork to the TPS who will then make a decision based on the information provided.

### **26.4 Termination on the Grounds of Incapability / Ill Health**

26.4.1 If all available medical evidence indicates that the employee on long term sick leave is not fit to return to work within a reasonable period, the CEO, LAB and/or DSAT may determine that employment should be terminated on the grounds of incapability to undertake duties; further guidance must be sort from the HR Manager.

26.4.2 For non teaching employees and members of the LGPS, all alternatives such as making reasonable adjustments and redeployment within the Academy will be considered prior to making such a decision.

26.4.3 Teaching employees should be aware that where an application has been made to the TPS but the decision has been made not to award ill health retirement benefits or where they have failed to make an application to the TPS, their employment may be terminated on the grounds of medical incapability.

26.4.4 Once a decision has been made regarding the employee's eligibility for ill health retirement benefits, a meeting is then held between the school supported by the HR Manager, the employee and their representative to discuss the decision and the next steps.

## **26.5 Termination on the Grounds of Some Other Substantial Reason (e.g. failure to provide regular and sustained service)**

26.5.1 In considering all available information and following the formal procedure outlined in **Appendix B** of this policy and procedure, a Stage 3 formal meeting may determine that the employee is no longer able to fulfil their contractual duties. In such circumstances, employment may be terminated on the grounds of failure to provide regular and sustained service.

26.5.2 Termination of employment on these grounds will only take place in the event of the informal and then formal procedures as outlined in **Appendix B** of this policy and procedure being followed and a right of appeal against dismissal will be provided.

26.5.3 The decision to dismiss in these circumstances is not a medical one, but a managerial one based among other things, medical opinion and/or advice regarding capability and fitness for work. However, whilst the absence of a medical diagnosis/prognosis does not preclude taking action to dismiss an employee, nonetheless without a medical referral an Employment Tribunal could view the dismissal as unfair. It is advisable, therefore, that in such cases a referral to Occupational Health has been undertaken prior to the decision to dismiss being made in order to establish if an underlying medical condition does exist.

## **27. GRIEVANCES**

27.1 Employees who are subject to the formal procedure can appeal against any decision using the appropriate appeals mechanism built into these procedures. Otherwise, if employees have a concern about how their case has been handled in relation to this policy they can also lodge a grievance in accordance with the DSAT Academy's Grievance Procedure.

## **APPENDIX A – Procedure to follow for probationary support staff (Green Book) employees**

During the period of probationary service (first 6 months of DSAT employment), employees are expected to demonstrate their suitability for employment in the particular role to which they have been appointed.

Attendance issues should be taken into account when assessing suitability.

Principal/Headteacher, CEO or line managers must ensure, however, that in taking into account attendance records when assessing suitability they do not treat employees unfairly or unjustifiably discriminate against an employee on the grounds of disability.

### **Monitoring Sickness during Probationary Periods**

Attendance should be discussed at all reviews within the probationary period and between reviews where necessary.

### **Regular or recurring short term absence or long term absence during Probationary Periods**

If a Principal/Headteacher, CEO or line manager is concerned about regular or recurring short term absence or long term absence, this should be discussed informally between the Principal/Headteacher, CEO or line manager and the employee as soon as possible.

If absence continues to be a concern following an informal meeting, a formal first management meeting should be arranged to discuss this issue with the employee. The employee should be given a minimum of 10 working days' written notice of the meeting and may be accompanied at the interview by a trade union representative or colleague but not by a family member or relative or anyone acting in the capacity of a practising lawyer. An HR Manager will be in attendance to support the manager at the interview.

### **First formal management meeting**

At the meeting, the Principal/Headteacher, CEO or line manager will discuss:

- a. Dates of absence - the Principal/Headteacher, CEO or line manager should seek to identify any emerging patterns of absence i.e. absence occurring after or before weekends, the same day of the week etc.
- b. Levels of absence and how these compare with average sickness.
- c. The impact of absence i.e. operational cover required, impact on colleagues etc.
- d. The reason for absence - is there an underlying medical reason for absence? Can the employee explain more fully the reasons for absence?

The outcome of the meeting could include:

- a. An agreed action plan to improve attendance with an agreed review date, and/or
- b. A referral to occupational health (if there is concern about an underlying medical cause which is impacting on ability to undertake the full duties of the role or attend work as required.)

The outcome of the meeting will be confirmed in writing. The employee will be made aware that a failure to improve attendance could lead to

- a. further formal meeting(s)
- b. a decision not to confirm suitability within the period of probationary service.

### **Failure to improve**

Following meetings and reviews as above, the Principal/Headteacher, CEO or line manager may be satisfied that medical advice has been properly sought where appropriate, there is no underlying disability and that absence levels are still unacceptable.

### **Second formal management meeting**

In these circumstances employees should be given a minimum of 10 working days' notice in writing of a meeting. Employees may be accompanied by a trade union representative or colleague but not by a family member or relative or anyone acting in the capacity of a practising lawyer. An HR Manager will be in attendance to support the manager at the interview.

### **The purpose of the meeting will be to consider:**

- a. Absence levels, dates and patterns, or effects of medical conditions on capability.
- b. Medical advice where appropriate.
- c. Action plans and any improvements in attendance levels.
- d. Reasons for absence and the employee's explanations.
- e. Operational impact of absence.

### **The outcome of this meeting could be:**

- a. Further action plans/improvement targets.
- b. The need to consider reasonable adjustments to a role or redeployment in the case of disability related absence or capability issues.
- c. A decision to extend probationary service.
- d. A decision to dismiss within the probationary period with one week's notice

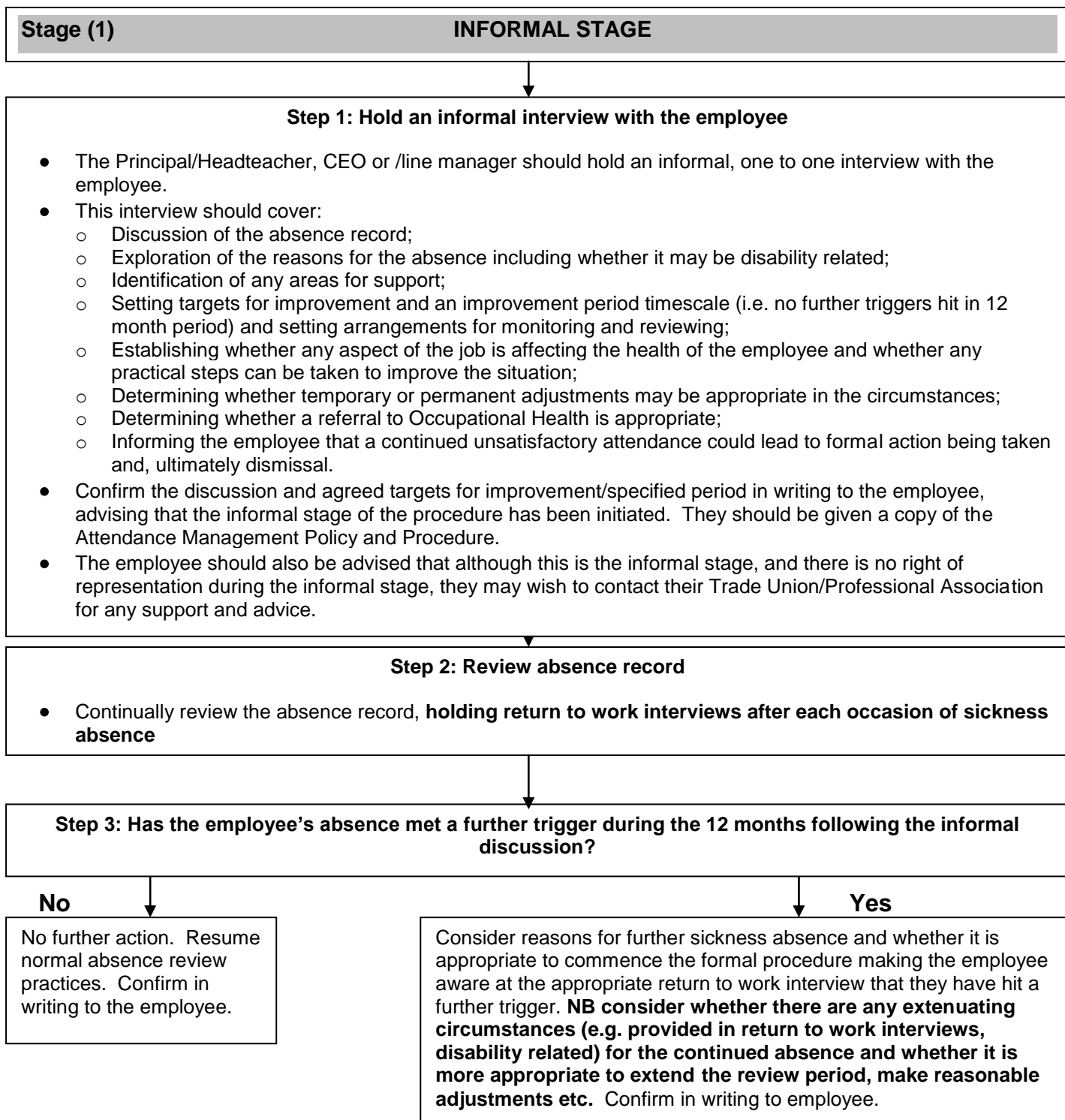
The outcome of the meeting should be confirmed in writing.

In circumstances where an employee is dismissed during the probation period there is no right of appeal.

## APPENDIX B – Application of the Attendance Management Procedure for Short Term/Intermittent Absence

This procedure is specifically used to deal with cases where an employee's short term/intermittent absence is causing concern and where the absence level meets one of the following trigger points:

- ⇒ 3 or more periods of sickness absence in any 12 month period;
- ⇒ 5 or more days sickness absence in any 12 month period;
- ⇒ Any other recurring recognisable patterns which give rise to concern (e.g. frequent Friday/Monday).





### Step 4: First Formal Meeting

- The Principal/Headteacher, CEO should invite the employee to a First Formal Meeting giving them 10 working days' written notice and advising them of their right of representation.
- At the meeting revisit the following areas:
  - Discussion of the absence record;
  - Exploration of the reasons for the continued absence and why improvement targets have not been met;
  - Identification of any areas for support;
  - Setting further targets for improvement and a further improvement period timescale (i.e. 12 months from date of first formal meeting no further triggers hit) and setting arrangements for monitoring and reviewing;
  - Establishing whether any aspect of the job is affecting the health of the employee and whether any practical steps can be taken to improve the situation;
  - Determining whether temporary or permanent adjustments may be appropriate in the circumstances;
  - Determining whether a referral to Occupational Health is appropriate
  - Reminding the employee that continued unsatisfactory attendance may lead to further formal action and ultimately dismissal.
- Decide on one of the following options as the way forward.

**No further absence/satisfactory progress** - No further action. Resume normal absence review practices. Confirm in writing to employee.

**Further absence/unsatisfactory progress** - Consider reasons for further sickness absence and consider whether it is appropriate to progress to a second formal meeting, making the employee aware at the appropriate return to work interview that they have hit a further trigger. **NB consider whether there are any extenuating circumstances (e.g. provided in return to work interviews) for the continued absence and whether it is more appropriate to extend the review period, make reasonable adjustments etc.** Confirm in writing to employee.

### Step 7: Second Formal Meeting

- The Principal/Headteacher, CEO should invite the employee to a Second Formal Meeting giving them 10 working days' written notice and advising them of their right of representation.
- At the meeting revisit the following areas:
  - Discussion of the absence record;
  - Exploration of the reasons for the continued absence and why improvement targets have not been met;
  - Identification of any areas for support;
  - Setting further targets for improvement and a further improvement period timescale (i.e. 12 months from date of meeting) and setting arrangements for monitoring/reviewing.
  - Establishing whether any aspect of the job is affecting the health of the employee and whether any practical steps can be taken to improve the situation;
  - Determining whether temporary or permanent adjustments may be appropriate in the circumstances;
  - Determining whether a referral to Occupational Health is appropriate.
  - Reminding the employee that a continued unsatisfactory attendance may lead to further formal action and ultimately dismissal.
- Decide on one of the following options as the way forward.

**Issue final written warning**

#### Other options:

- Defer a decision pending the outcome of an Occupational Health referral (in which case the second formal meeting would be adjourned and 10 days notice/right to representation would have to be provided to restart);
- Make temporary adjustment as appropriate;
- In the event of stress related illness – decide appropriate to manage case under Stress Policy/Procedure.
- No action – due to extenuating circumstances or there has been a slight improvement/ extend the review period.

### Step 8: Confirm the outcome of the Second Formal Meeting

- Following the Second Formal meeting, the decision taken and any action agreed should be confirmed to the employee in writing within 5 working days of the meeting.
- If a formal written warning has been issued provide a right of appeal. If the employee appeals, an appeal hearing as outlined at Step 13 should be held.

### Step 9: Has the employee's absence record hit a further trigger during the 12 month period following the second formal meeting?

No

**No further absence/satisfactory progress** -No further action. Resume normal absence review practices. Confirm in writing to employee.

Yes

**Further absence/unsatisfactory progress** - Consider reasons for further sickness absence and consider whether it is appropriate to progress to an Absence Hearing, making the employee aware that they have hit a further trigger at the appropriate return to work interview. **NB consider whether there are any extenuating circumstances (e.g. provided in return to work interviews) for the continued absence and whether it is more appropriate to extend the review period, make reasonable adjustments etc.** Confirm to employee in writing.

## Stage (3)

### ABSENCE HEARING

### Step 10: Arrange the Absence Hearing

- The Principal/Headteacher, CEO shall advise the employee in writing of the issue(s) to be considered at the hearing and list the possible outcomes, giving at least 10 working days' written notice of the date, time and place of the hearing.
- The employee should also be advised that:
  - The case will be heard by a panel of 3 non staff LAB governors, chaired by the nominated school governor, advised by an HR Manager;
  - They can be accompanied by a trade union representative, friend or colleague but not anyone acting in the capacity of a practising lawyer;
  - The Principal/Headteacher, CEO will be asked to present their case, call any witnesses if appropriate and give evidence;
  - The employee (or their representative) will be asked to present their case, call witnesses and give evidence.
- Both parties shall provide the Principal/Headteacher, CEO any papers/evidence that may be referred to at the Absence Hearing at least 5 working days before the hearing is due to take place. The Principal/Headteacher, CEO or will then ensure that these papers are then circulated to all concerned no less than 3 working days before the hearing.

### **Step 11: Conduct of the Absence Hearing**

- The hearing will be conducted by a panel of 3 non staff LAB governors and chaired by a nominated governor, advised by an HR Manager.
- The nominated school governor will be responsible for the conduct of the hearing, in accordance with the Attendance Management Policy, supported by/advised by an HR Manager as appropriate.
- The presenting officer (Principal/Headteacher, CEO) shall present the case against the employee, calling any witnesses as appropriate.
- The employee and their representative will have the opportunity to question the presenting officer and any witnesses as appropriate.
- The employee or their representative shall put forward their case, calling any witnesses/presenting witness statements as appropriate.
- The presenting officer shall have the opportunity to question the employee, their representative and their witnesses as appropriate.
- The panel and HR Manager may question either party and their witnesses at any stage.
- Both parties may summarise their case but not introduce any new evidence at this stage.
- All parties will withdraw, leaving the panel to consider the matter in consultation with the HR Manager.
- A suitably detailed note of the hearing proceedings should be taken (see Step 13) and retained for at least 12 months.



### **Step 12: Decision of the Absence Hearing**

- The outcome/decision should be communicated to the employee at the hearing where possible and in writing within 5 working days of the hearing. The outcome/decision may include any of the following:
  - Recommend a further referral to Occupational Health and adjourn the hearing pending consideration of medical advice.
  - Extension of the timescale of the final written warning and improvement period/targets
  - No action – in which case the employee will return to Step 9 if absence continues
  - Dismissal (NB under the short term procedure an employee shall not be dismissed prior to being issued a final written warning).The dismissal should be confirmed in writing within 5 working days of the decision being taken.
- The employee will have a right of appeal against the outcome of the hearing.

## Stage (4)

## APPEAL HEARING



### Step 13: Conduct of the Appeal Hearing

- The employee has a right of appeal against the decision of the Absence Hearing. They should make their appeal in writing to the Principal/Headteacher, CEO or setting out their grounds for appeal within 10 working days of receipt of confirmation of the outcome of the hearing.
- The Principal/Headteacher, CEO or shall promptly convene and advise the employee in writing of the arrangements for an appeal hearing, giving 10 working days' written notice of the date, time and place of the hearing and their right of representation.
- Both parties shall submit any documents to be considered at the appeal hearing, in writing Principal/Headteacher, CEO or , 5 working days before the date of the hearing for circulation to all parties. No new evidence should be submitted as part of the appeal. Any new evidence that is submitted will not be considered by the appeal panel. The employee and school governor who chaired the original hearing will be in attendance at the appeal hearing and the Principal/Headteacher, CEO or will be present as a witness.
- At the appeal hearing, a panel of 3 governors chaired by a nominated school governor will consider the decision of the panel that originally heard the case, against the employee's appeal. The panel should comprise 3 non staff Governors who have no prior knowledge of the case. The appeal panel will be advised by an HR Manager or their representative.
- The panel may allow the appeal, dismiss the appeal or impose an alternative remedy.
- Where the employee appeals on the grounds that there was a procedural error or omission during any stage of the Attendance Management procedure, the appeal panel will determine as a preliminary question whether a full new hearing should take place on a date to be arranged.
- The employee and/or their representative shall present their case for appeal. The procedure to be followed shall be the same as the Absence Hearing procedure outlined in step 11. However, the employee will present their appeal case first. The Chair of the previous Governor panel will respond to the appeal and outline a summary of the reason for the decision made. The Principal/Headteacher, CEO or may be called as a witness. All parties have the right to ask questions. Both parties will summarise their case with the employee making the final statement and all parties will then withdraw, leaving the appeal panel to consider the matter in consultation with the HR Manager. The employee will be notified of the outcome of the appeal.
- The outcome of the appeal will be communicated in writing to the employee no more than 5 working days after the date of the hearing

\*

The procedure outlined above has been devised based on the Governing Body of the school delegating authority to issue first written warnings and final written warnings to the Principal/Headteacher, CEO or . Where this authority is not delegated, first and second formal meetings should be held in line with arrangements outlined under Step 10 above.

### General Guidance for the Absence Hearing and Appeal Hearing

It is important when arranging hearings to ensure that the following is taken into account:

- **Adequate time is set aside for the hearing.** Sufficient time must be set aside for the hearing to allow enough time for all parties to present their case and for full consideration to be given to any evidence that is presented to the panel.
- **Adequate rooms are provided.** At least three rooms should be set aside for the hearing, one large enough to accommodate at least 8 people plus any witnesses that may need to be called, one for the Principal/Headteacher, CEO or /presenting officer to retire to with their HR Manager and one for the employee and their representative to

retire to. These rooms should be available for exclusive use of those taking part in the hearing for the entire duration.

- **Refreshments and rest facilities are provided.** Provisions should be made for refreshments (tea, coffee, water etc) and where the hearing is likely to go over the lunch period, appropriate lunch provisions should also be made. Access to appropriate rest facilities should also be provided, including disabled access where required.
- **Note taker.** The school should also ensure that a note taker is available for the entire duration of the hearing. This could be the Clerk to the Governors, PA to the Principal/Headteacher, CEO or or similar however the note taker must be confidential and be able to take full and accurate notes of the hearing