

Sickness Policy

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1. Purpose of this Policy and Procedure

1.1 The Trust seeks to create an environment which actively promotes staff wellbeing. Effective people management and good staff development, clear communication, engagement with staff and their representatives, well defined job roles, an employee assistance programme and effective occupational health services are all part of achieving this aim.

1.2 The Trust recognises and fully accepts that, from time to time, individuals will have genuine, acceptable reasons to take time off from work due to sickness. Notwithstanding this, the Trust expects that sickness absence is not the norm and seeks to encourage all staff to do all they reasonably can to maintain good attendance at work, in order to ensure that the children in its schools receive the best possible experience.

1.3 It is our policy to ensure that:

- As a Trust we are sensitive and supportive to those suffering from the effects of ill health.
- Discussion and constructive dialogue with employees takes place to support and resolve attendance issues.
- Return to work interviews are conducted following each period of sickness absence.
- There is a procedure which sets out how employees who are absent from work for a short or long period of sickness must notify and certify their absence; identifies how sickness absence from work will be managed and ensures employees are warned of the possible consequences of continuing unsatisfactory attendance.
- Occupational Health services are available. Employees may be requested to be examined by the Occupational Health service and agree to allow the advisor to provide a medical report to the Trust, where reasonably asked to do so.
- All sickness absence is accurately recorded, identifying the reasons for the absence.
- Records of all absences, discussions and medical certificates are kept confidential and in accordance with the requirements of data protection legislation and the Access to Medical Reports Act 1988.
- Managers are provided with appropriate training in managing sickness absence and promoting well being, to support and deal effectively with absence.
- Employees have the right to be accompanied by a trade union representative or work colleague at any formal meeting.

- There is an appeals process through which employees can raise concerns about the application of the procedure.
- Employees receive payment in accordance with their pay and conditions of service during any period of absence, conditional upon complying with the Trust's procedure for notifying of absence, provision of ongoing medical evidence / certification and attendance at Occupational Health appointments (where referred).

1.4 This policy applies to all employees of the Trust. The Trust has a separate Leave policy which deals with absence from work for other reasons such as dependant care leave and compassionate leave.

2. Roles and Responsibilities

2.1 *The Trust will:-*

- Provide appropriate support for people off sick, including remuneration.
- Promote a culture in which staff wellbeing is considered important.
- Consult with recognised trade unions regarding any proposed changes to this policy, through the established Joint Consultative Committee.

2.2 *School or CST Senior Management Team will:*

- Manage absences in accordance with this Policy, conducting return to work meetings after every absence and outlining any causes for concern.
- Monitor levels and patterns of absence amongst their line reports and liaise with Human Resources as appropriate.
- Record absences promptly and accurately onto the HR and Payroll system.
- Promote their own wellbeing and that of others.
- Ensure that information about employees is handled sensitively, securely and confidentially.

2.3 *HR will:-*

- Monitor levels of absence across the organisation and its causes and advise on appropriate support and action.
- Provide training, guidance and support to line managers on the operation of this policy and procedure.

- Refer individuals to occupational health as required and liaise with the manager and individual following such a referral.
- Raise awareness of the Employee Assistance Programme, monitor usage of the programme and review providers periodically.
- Ensure all individuals are aware of the content of the policy, including what to do when they are sick.
- Ensure all managers are equipped to fulfil their responsibilities under the Policy through training and coaching.
- Ensure that information about employees is handled sensitively, securely and confidentially.
- Will make this policy generally available via the Trust's website, and on request to staff and representatives.

2.4 *Individuals will:-*

- Familiarise themselves with what to do and who to contact when sick.
- Disclose relevant disabilities to their line manager, to enable support to be provided. Any information disclosed will be treated confidentially,
- Take appropriate measures to manage their health and discuss with managers and/or HR if they feel that work is having an adverse effect on their wellbeing.
- Comply fully with this policy and procedure.

3. **What to do when sick**

- 3.1 If an individual is sick and feels unable to attend work, s/he must telephone their line manager at the earliest opportunity and, wherever possible, well in advance of the time they would normally commence work. If it is not possible to speak with the line manager, they should speak with (not text or email) the line manager's manager or deputy, if appropriate. Each individual should be informed who their point of contact is for the reporting of sickness absence and if an individual is not clear who this is, then they should make the relevant enquiries of their line manager.

When reporting in sick, it is preferable **not** to leave a message with a colleague and all reasonable effort should be made by the individual **to speak directly with their line manager**. Contact should preferably be made by telephone, unless there are good reasons why this is not possible. Similarly the individual should make contact personally and not ask anyone else to do this for them, unless there are good reasons why this is not possible or practical.

- 3.2 The individual should communicate:-
- The reason for their absence.
 - How long they expect to be off sick.
 - Any action they intend to take, e.g. whether they are planning to see a doctor etc.
 - Details of any work already planned for that day/period, to enable other arrangements to be made.
 - If appropriate, when they will next contact work to update them as to their progress.
- 3.3 Where illness occurs during the working day and it becomes difficult for the individual to continue working, s/he may wish to go home. In such cases all reasonable effort should be made by the individual to seek the line manager's agreement as to whether it is indeed appropriate for them to go home.
- 3.4 Where a line manager has reasonable grounds to believe that a member of staff is unable to perform their duties due to illness, but the member of staff does not agree, then the employee may be sent home. This will be treated as medical suspension on full pay.
- 3.5 Providing that the individual has commenced work and doesn't go home almost as soon as arriving at work, this will not normally be regarded as a full day of sickness absence. If an individual leaves work before or half way through their normal working day, then they will accrue a half day of sickness absence. If they leave work after that time then it will not usually count as any sickness, however, line managers will keep a note of such occasions.
- 3.6 If the individual is ill at the start of the day, but, as the day progresses feels better and comes into work, this will not normally be regarded as a full day of sickness absence; see para 3.5 above. The line manager should ensure correct recording of such absences.
- 3.7 Instances of individuals going off work sick during the day will be monitored and appropriate action will be taken if the number of instances gives cause for concern.
- 3.8 Office managers must be notified of all absences, as soon as they occur. This is in order for the HR/payroll system to be updated and for accurate absence statistics to be maintained.
- 3.9 If an individual is off sick with sickness and diarrhoea and they handle food as part of their job, they should remain off work for 48 hours after the last bout of illness. If they are not a food handler and work with children, then they should remain off for 24 hours after the last bout of illness before returning to work. If, however, the sickness/ diarrhoea is due to an underlying condition such as IBS, or medication and is not believed to be contagious, the 24 hour rule does not apply.

4. Medical appointments

4.1 Ad-hoc Medical appointments

Required medical appointments such as hospital outpatients, doctors, dentist, and opticians should, where possible, be arranged outside of the individual's normal working pattern. Where this is not possible, appointments should be made at the beginning or end of a working day to keep levels of disruption to the schools/ Trust at a minimum. Authorisation must be sought from the individual's line manager if an appointment falls within working hours and evidence of the appointment may be requested. These arrangements may differ for elective appointments, which should be discussed in advance with the line manager, who will involve a representative from HR. Where an appointment is related to a disability under the terms of the Equality Act 2010, this will be treated in accordance with sections 9 below.

4.2 Pre planned medical appointments

Should an individual require treatment or undergo a required medical procedure which results in them being absent from work for a period of one working day or more, this absence will be recorded as sickness and treated in accordance with the policy. Where an appointment or medical procedure is related to a disability under the terms of the Equality Act 2010, this will be treated in accordance with section 9 below. These arrangements may differ for elective procedures, which should be discussed in advance with the line manager, who will involve a representative from HR.

5. Contact during sickness absence

The Trust recognises that it has a duty of care to its employees, so regular contact, as is reasonable, should be maintained during periods of sickness absence. Each line manager should make it clear to each individual they manage as to who they should contact if they are off sick. If any member of staff is not clear about who their point of contact should be they should ask their line manager for clarification.

The individual off sick has a responsibility to keep their line manager informed as to their progress, but the line manager, deputy or a member of the Human Resources team, may telephone an individual who is off sick, at home, or write to them to maintain such contact as is appropriate within the context of the illness. In some circumstances it may be necessary to arrange to meet with the individual, notably to obtain an update on their health and to discuss a possible referral to occupational health. Such a meeting may take place at the individual's work place, an alternative Ebor Trust work place, a mutually convenient appropriate venue or, if the individual prefers, at their home. It is usual practice for the individual to meet with their line manager and/or member of the HR team on their own, however if the person would prefer to be accompanied by a trade union representative or workplace colleague, then s/he should let HR know; this will be considered and not unreasonably withheld. The line manager/ HR representative will keep notes of the meeting and create a file note afterwards, which will be shared with the individual.

6. Certifying sickness absences

- 6.1 On returning to work the individual and line manager must complete a Self – Certification and Return to Work Discussion Form (see Appendix 1). This is required for any absence of a day or more. The Return to Work form will be completed by the individual who has been off sick and their line manager, through a joint discussion. It will then be recorded on the individual’s record on the HR system and any personal file.
- 6.2 A medical certificate from the GP must be provided if an absence lasts for more than seven calendar days. This certificate should be sent or given, as soon as possible to the appropriate line manager, who will ensure it is scanned onto the HR and Payroll system along with the information contained therein. For ease, it is permissible to take a clear photograph of each side of the certificate and email it to the manager.
- 6.3 If a self - certification form or a medical certificate is not received, the absence will be classed as unauthorised and the individual’s entitlement to occupational sick pay may be affected. If the absence occurs after payment has been made, this may be deducted from the next salary payment.
- 6.4 In the event that an individual’s attendance record gives cause for concern, the Trust may ask the individual to provide a medical certificate for absences of less than 7 calendar days. In this event, if the person is charged for the medical certificate, they will be reimbursed by the Trust.

7. Return to work discussions

- 7.1 Return to work meetings have been shown to be the best form of reducing short-term sickness absence. Line managers should, therefore, conduct such meetings in a timely manner.
- 7.2 On returning from a period of sickness absence, it is the responsibility of the line manager or their nominated representative to arrange a Return to Work discussion.
- 7.3 Wherever possible, this will be conducted at the start of the day the individual returns to work. If this is not possible, the discussion will take place as soon as reasonably possible and, unless there are exceptional mitigating reasons why not, by the end of the third working day after the return. In many cases, where the absence is short term and for a common reason (e.g. a cold virus) the return to work meeting will be an informal matter which will only last for a few minutes. Where the absence is longer, or there have already been a number of absences, or the reason for the absence is something more serious, the meeting is likely to be longer.
- 7.4 The objectives of this discussion will be:-
 - To welcome the individual back to work.

- To ensure that the individual is fit to return to work and to ascertain if the employee is taking any medication which may affect them undertaking their full duties e.g. using machinery, driving etc.
- To enable the line manager to understand the reasons for the absence and any underlying health issues that may exist.
- To raise both parties' awareness of the individual's attendance levels and to discuss and highlight the various trigger points in this policy.
- To identify a way forward, including any further action that may be needed, to enable a good attendance record to be maintained.

7.5 The return to work meeting will be conducted in a private room to ensure the employee's privacy.

7.6 The discussion will be documented. A copy will be made available to the employee and will be retained on the HR system and on the individual's personal file.

7.7 The return to work discussion is not a formal meeting and no formal action will be taken as a result of the discussion.

8. When attendance levels give cause for concern

8.1 Short term absences

Under this policy, a short term absence is one that is less than 20 consecutive working days long.

If an individual's attendance level falls below an acceptable standard due to short term, frequent absence then this will be discussed between the individual and his/her line manager. This may be at an informal or formal meeting, but a formal meeting will not take place without the matter being discussed informally beforehand.

8.2 The definition of an acceptable standard of attendance is up to the line manager to determine, taking into account the responsibilities of the role or other relevant factors. However a formal meeting will usually take place if an individual's absence level has hit the following trigger points:

- Three or more absences in a rolling six month period or
- Five or more absences in a rolling 12 month period
- A cumulative total of 15 working days absence in two or more periods in a rolling calendar year.

8.3 If an individual is likely to meet a trigger point, or if their attendance level will become a serious concern if another occasion of absence occurs, then the line manager will make the individual aware of this at an informal meeting, which is likely to be the return to work meeting. The individual will be made

aware that a further absence is likely to result in a formal meeting being held, the outcome of which is that a formal warning may be given.

- 8.4 If further absence ensues, the individual's line manager will then commence formal action as outlined in section 14 below.

9. Absences due to Disability

- 9.1 If an individual's absence is a result of having a disability under the terms of the Equality Act 2010 and the absence is related to the disability, then depending on their individual circumstances and how they manage their disability, their symptoms and treatment, it may be reasonable to discount a certain level of sickness absence. When reviewing an employee's attendance record, each case should be considered on its own merits with advice sought from HR. However, when considering the amount of discounted sick leave afforded to an individual it is vitally important to ensure that there is understanding that even when disability is a factor in sickness absence, attendance will be monitored and poor attendance will be managed in accordance with this policy. The absences will still be recorded on the individual's sickness absence record albeit as a disability-related absence and the individual's line manager will still carry out a return to work interview.

- 9.2 Individuals with a disability that may impact on their attendance and/or performance are encouraged to discuss this with their line manager so that reasonable adjustments can be made which minimise the number of days' sickness absence taken by the individual. If a line manager is not aware of a disability or underlying health condition, it will not usually be taken into account when working through the sickness management process. Where an employee has not discussed disabilities that may affect their absences they are encouraged to do so at the earliest opportunity to ensure the relevant support is given. Additional help and support for individuals with a chronic underlying condition is available, via HR, in the form of the Occupational Health Adviser and also through Access to Work and the Trust's Employee Assistance Programme. More information on these services is available from HR.

- 9.3 The type of adjustment provided to support a disability will vary on a case by case basis depending on the medical condition. Occupational health or GP advice may be sought and Access to Work contacted, if applicable. Adaptations could include:

- Provision of aids (e.g a different keyboard, mouse, desk or chair)
- Changes to workload, work practices or work pattern environment, on a permanent or temporary basis
- Changes to the contracted hours worked, if practical.

10. Pregnancy related absences

- 10.1 If an individual has an absence(s) from work that is pregnancy related, then these will normally be discounted when assessing an employee's attendance record. However, the following should be noted:
- The absences will still be recorded on the individual's sickness absence record, but as pregnancy-related.
 - The individual's line manager will still carry out a return to work interview.

11. Long Term Absences

- 11.1 A long term absence is classed as 20 working days or more. If the individual is away from work for a period of 15 consecutive days which is expected to last for five more days (i.e. so a total of 20 or more), then the following will apply:-
- Regular contact will be maintained, usually with the line manager, in accordance with section 5 above.
 - The Trust may require more information about the individual's health. Therefore, a meeting with the Trust's Occupational Health Adviser may be arranged. The purpose of such a meeting would be to advise as to the likely length of the absence and any adjustments that the Trust can make to help facilitate the individual's return to work.
 - When the individual is fit to return to work, if necessary, an appropriate plan will be made to enable this to happen. This may include a "phased return" to work, whereby the individual gradually increases their hours whilst they acclimatise back into the workplace. Alternatively, it may mean an alternative working location for a part time period which will be agreed with the employee.
- 11.2 Ultimately, if the individual is not able to return to work, or if the medical prognosis is that the individual will not be able to return in the reasonable foreseeable future, a formal meeting will be convened to discuss the individual's future employment. The individual will have the right to be represented by a trade union representative or colleague at this meeting. All options will be considered including redeployment, reduction of hours or part time working. If none of these options are possible, then as a last resort, the Trust may need to terminate the individual's employment on the basis of the individual's inability to meet the Trust's attendance requirements. Ill health retirement will be sought, where appropriate.

12. Use of medical reports and occupational health advisers

- 12.1 At any stage of an absence, the Trust may seek medical opinion from its occupational health adviser and/or the individual's doctor to facilitate good decision making regarding the individual's absence. In these cases HR will liaise with the line manager and submit a referral to occupational health.

Either the line manager or HR representative will liaise with the individual prior to a referral being made, so that s/he understands fully the reason for the referral.

- 12.2 Initially, the individual will be referred to the occupational health adviser to attend a meeting. The discussions are confidential. If it is appropriate for Human Resources to seek a medical report from the individual's doctor, the occupational health adviser will seek the individual's written consent for this.
- 12.3 Any costs incurred in seeking input from our occupational health adviser and/or the individual's doctor will be paid by the Trust, however, should the individual fail to attend an occupational health appointment and not inform the line manager/ HR representative 24 hours in advance (unless the reason for non-attendance arose during the 24 hours before the appointment), the Trust reserves the right to pass the cost of the appointment to the individual.
- 12.4 The individual will be advised of their rights under the Access to Medical Records Act 1988.

Three options are available, in summary, these are as follows:-

- Option A – The individual may withhold consent to a report being sought.
 - Option B – The individual may consent to a report being sought and indicate that he/she does not wish to see it before it is supplied to our occupational health adviser.
 - Option C – The individual may consent to a report being applied for and indicate that he/she wishes to see the report before it is supplied to our occupational health adviser.
- 12.6 In the event that the individual wishes to see the report, s/he must make arrangements with their doctor for this – the report will not be sent to the individual automatically. The doctor will allow 21 days for the individual to make arrangements to see the report. If they have not heard from the individual by then, they will assume that the individual does not wish to view it and they will supply it to the Trust's occupational health adviser. The individual can request that the doctor amends the report if they consider anything in it to be misleading or incorrect. The doctor is not obliged to make any changes requested. If they refuse to make the requested amends, the individual can:-
- Withdraw their consent for the report to be supplied.
 - Ask their doctor to attach a statement to the report outlining their views.
 - Agree to the report being submitted unchanged.

Once the doctor's report and any accompanying statements are received by the Trust's occupational health adviser, they will provide a written summary of these to Human Resources. In the event that an individual refuses to agree to an occupational health or other medical report, a decision will be made regarding the individual's employment on the basis of the other information available. His/ her right to receive occupational sick pay may be affected.

13. Occupational and statutory sick pay and benefits

- 13.1 Payment of occupational sick pay will be in accordance with the rates set out in the NJC agreement (Green Book) for non-teaching staff and the Burgundy Book for teaching staff, as set out below. However, in exceptional circumstances the Trust reserves the right to withhold occupational sick pay as outlined in either the Green Book or the Burgundy Book (whichever is relevant).
- 13.2 Providing the individual's sickness absence is authorised and this policy has been followed, the Trust will make sick payment as follows:

Non-teaching staff	
During 1 st year of service	1 months' full and, after completing 4 months' service, 2 months' half pay
During 2 nd year of service	2 months' full and 2 months' half pay
During 3 rd year of service	4 months' full and 4 months' half pay
During 4 th and 5 th year of service	5 months' full and 5 months' half pay
After 5 years of service	6 months' full and 6 months' half pay

Teaching staff <i>Except those who transferred from Hull City Council</i>	
During 1 st year of service	Full pay for 25 working days and, after completing four calendar months' service, half pay for 50 working days.
During 2 nd year of service	Full pay for 50 working days and half pay for 50 working days.
During 3 rd year of service	Full pay for 75 working days and half pay for 75 working days.
During 4 th and successive years' of service	Full pay for 100 working days and half pay for 100 working days.

Teaching staff who transferred from Hull City	
0-4 months service (includes GTP year)	Full pay for 30 working days, no half pay entitlement
5-12 months service (includes GTP year)	Full pay for 30 working days, and half pay for 66 working days
During 2 nd year of service	Full pay for 60 working days, and half pay for 99 working days
During 3 rd year of service	Full pay for 99 working days, and half pay for 99 working days
During 4 th , 5 th and 6 th years of service	Full pay for 125 working days, and half pay for 125 working days
During 7 th , 8 th , 9 th and 10 th years of service	Full pay for 140 working days, and half pay for 140 working days
After 10 years of service	Full pay for 155 working days, and half pay for 155 working days

It should be noted that the sick pay entitlement for teaching staff is calculated as working days and does not include weekends or holidays.

- 13.3 Any extension to an individual's entitlement is at the discretion of the Executive Headteacher or Executive Team member.
- 13.5 Where applicable, the Trust will pay the individual the appropriate rate of Statutory Sick Pay (SSP). This will be included in the above payment. Once the individual has exhausted their occupational sick pay, the Trust will pay the individual any remaining entitlement to SSP in accordance with current legislation.
- 13.6 In some cases, it may be necessary to suspend a member of staff on medical grounds. For more information, see Appendix B.

14. Formal Stages of Sickness Management

- 14.1 The following sections provide further information about the formal stages of the procedure. **A representative from Human Resources must attend all formal meetings under this Policy**, in order to ensure that the Trust is consistent in its approach and also to provide expert advice and guidance on the best way to manage absences.
- 14.2 A minimum of ten working days' notice is issued for a Formal Attendance Review meeting. No individual should be called to a Formal Attendance Review without understanding that the outcome could well result in a Formal Attendance Warning being issued. Notice of a formal meeting will be issued in writing and will advise the employee of their right to be accompanied as set out in 14.3 below.
- 14.3 At all meetings under the formal stages of the sickness management process the individual will have the right to representation by a colleague or an accredited trade union representative. The representative will be entitled to present relevant information prepared by the individual and to ask questions on their behalf, but will not be entitled to answer questions on the individual's behalf. They may also sum up on behalf of the individual they are representing. If the representative is unable to attend a meeting, then the meeting may be postponed by not more than 5 working days.
- 14.4 If the individual's sickness absence is certified by a GP and they are not well enough to attend the meeting in person, alternative arrangements will be made to enable the review to proceed, e.g. an alternative time or venue.

15. Objectives of Formal Attendance Review meetings

- 15.1 The objectives of a Formal Attendance Review meeting are as follows:-
 - To present the frequency of an individual's absences and the number of days lost and to provide the individual with the opportunity to explain the reasons for their absences.

- To encourage the individual to take responsibility for seeking professional medical advice, if this is not already the case.
- To consider any information obtained from the Trust's occupational health adviser and/or the individual's doctor.
- To explore ways in which the individual's attendance record can be improved, including anything that the Trust can do to assist in this. A number of options may be considered, including changes to the individual's duties, changes to hours of work or the provision of additional equipment. These will be considered in the light of legislative requirements, operational circumstances and where appropriate, having taken into account the advice of the Trust's occupational health adviser.
- To ensure that the individual is aware of the impact of their attendance level on the school/ Trust.
- To provide the individual with the opportunity to highlight any other relevant information before a decision is taken on the way forward.

16. Formal Attendance Reviews – Format

- 16.1 Although formal, the tone throughout formal attendance review meetings should be supportive and sympathetic, always bearing in mind that the preferred outcome is to facilitate the individual's improved attendance record. Mitigating factors will be taken into account where appropriate.
- 16.2 Individuals will be given a minimum of 10 working days' written notice of a formal attendance review and will be informed of their right to be accompanied by an accredited trade union representative or work colleague.
- 16.3 First and second formal review meetings will be considered by the individual's line manager or headteacher. A final formal review meeting will be chaired by a panel of at least three people of appropriate seniority who have had no previous direct involvement in the case. In schools, this is likely to be members of either the school management team, Local Governing Committee or Trust. In cases involving Central Services Team employees, it will involve a panel of three managers/ senior staff or Trustees. In all such meetings, an HR representative will also attend for advisory purposes.
- 16.4 Not all of the stages in the table below may be needed in cases of long term sickness and therefore the process may be entered at any stage. In limited circumstances, providing good consultation with the individual has taken place to date and a recent Occupational Health or doctor's report supports dismissal, then the first and second formal attendance reviews may be negated; however no-one will be invited to a final stage (dismissal) hearing without having attended at least one formal meeting to discuss their absence(s) at which the individual will have had the usual right to representation unless the individual has waived their right to attend such a meeting.

- 16.5 All management documents to be referred to at a formal review meeting should be submitted to the employee (and, if relevant, their representative) and all other attendees at the meeting as soon as possible and definitely no later than 10 working days prior to the formal review meeting. Any documentary evidence to be used by the employee should be submitted to the management representative and the HR representative as soon as possible and definitely no later than 5 working days prior to the meeting. The HR representative will ensure the information is shared to all attendees of the meeting and will also ensure all are reminded of the confidential nature of the information. In cases where there is a large volume of information for all the parties to familiarise themselves with, either party may make a request to HR for the timescales to be flexed in order to provide reasonable time to formulate a response; such a request will not be unreasonably withheld. Similarly, where an employee wishes the meeting to be held sooner, the notice periods for the exchange of information as outlined above may be reduced, with the agreement of all parties.
- 16.6 At the meeting, the individual's absence record will be discussed, along with any medical reports available. The individual will be invited to outline whether there are any adjustments or interventions that they believe would enable them to improve their attendance record. Similarly, the line manager or HR representative may make suggestions.
- 16.7 Following the discussion, the panel will come to a conclusion regarding whether a sanction is appropriate or not. The range of possible outcomes is outlined below. In issuing a sanction it should be made clear to the individual that this is being issued not because management believe that the absences were not genuine, but because of their impact on the work of the school/ Trust. Usually this will be considered after the meeting has been adjourned and the individual will be notified in writing, within five working days of the meeting taking place.
- 16.8 A note of the hearing will be kept and shared with all parties. If the individual does not agree with the notes, their comments will be documented.

17. Possible Formal Attendance Review Meeting Outcomes

Stages	When takes place	Chaired by	Potential warning and duration	Appeal to
First Formal Attendance Review	Where absence levels give a serious concern or if a trigger point reached (para 8.2)	Line manager or headteacher	First formal attendance warning lasting 12 working weeks	Headteacher or Governors/ Trustees
Second Formal Attendance Review	Where absence levels continue to give a serious cause for concern, if a further trigger point is reached or if there is no significant improvement in attendance during the life of the formal warning.	Line manager or headteacher	Final formal attendance warning lasting 26 working weeks	Headteacher or Governors/ Trustees
Dismissal Hearing	Where absence levels continue to give a serious cause for concern, if a further trigger point is reached or if there is no significant improvement in attendance during the life of the final formal warning.	Line manager or headteacher	Dismissal	Panel of Governors/ Trustees

18. Appeals

- 18.1 There is a right of appeal, with representation as described previously, against any formal attendance warning. The employee must give written notice of the appeal to the HR Director within 10 working days of receipt of the letter confirming the sanction and set out, in writing, the grounds for appeal. Appeals will be heard at the earliest available opportunity and reasonable written notice of the date and the arrangements will be given. The timescales for exchange of documents are as in para 16.5 above.
- 18.2 The Chair of the initial formal attendance review panel may be requested to attend the Appeal Hearing in order to explain how the decision was reached, and to answer questions.
- 18.3 Any employee, who has received a formal attendance warning, including dismissal, has the right of appeal. This will be heard by an Appeal Panel, made up of three members of the Governing Committee or Trust (for schools), or three managers or Trustees (for the Central Services Team), who have had no prior involvement in the case.
- 18.4 An Appeal hearing will normally be heard within 20 working days, following receipt of a notification of appeal, unless agreed otherwise.
- 18.5 The purpose of an appeal is not to re-hear the original hearing and therefore the remit and scope of the considerations of the Appeal Panel is limited to the specific areas which the employee is dissatisfied with in relation to the outcome of the original hearing. There are five grounds for appeal:
1. New evidence, relevant to the case which was not available at the original meeting
 2. The sanction applied at the formal review meeting was not reasonable or appropriate in the circumstances
 3. There was a procedural error in the previous process
 4. Mitigating circumstances and/or the employee's record was not taken into account.
 5. The principles of this policy were not applied or were not properly applied.
- The Appeal Panel will therefore confine discussion to the specific areas the employee is dissatisfied with and will consider, based on the information available to the panel at the time, whether the original decision was fair and reasonable. If the employee is appealing on the grounds that there is new evidence, the panel will consider all of the new evidence presented and decide whether that information, if available at the time of the original formal review meeting, would have made a material difference to the outcome.
- 18.6 Any documentary evidence available at the original formal review meeting will be made available to the Appeal Panel for reference purposes. The panel members will be informed of the confidential nature of the information they will receive and will be reminded of their duties in respect of confidentiality. The employee and their representative will present their case for the appeal first and the representative from the original formal review panel will have the

opportunity to respond to this. As the purpose of the appeal is not a reconsideration of all matters, it is the responsibility of the employee to state their case bringing to the attention of the panel all relevant documentary evidence that should be considered.

- 18.7 The Appeal Panel will adjourn to consider their decision with their decision being final.
- 18.8 The outcome will usually be communicated to the member of staff in writing within five calendar days. In the event of an appeal being upheld, the formal attendance warning or dismissal may either be withdrawn or substituted with a different penalty. In the case of dismissal the employee should be re-instated or re-engaged with no loss of contractual pay or service.
- 18.9 The outcome of an appeal hearing will not be to increase the previous sanction imposed.

19. Failure to follow procedures

- 19.1 Failure to follow the procedures set out in this policy (by both managers and individuals) may be considered to be a disciplinary matter, which could result in disciplinary action being taken and/or sick pay withheld.

Appendix 1 – Self Certification and Return to Work Discussion Form

This form must be completed for all periods of sickness absence for all employees following a return to work meeting between the individual and their line manager

Name	
Job title	
Place of work	
Reason for the absence in question	
Absence start and end dates	
Number of days absent from work on this occasion	
Number of days absence from work in last 12 month period	
Number of occurrences of absence over the last 12 months	

Employee's comments regarding the absence

Line manager's comments regarding the absence

Any adjustments required? e.g.

- Working hours alteration (temporary or permanent, including phased return to work)
- Workplace adaptation (equipment)
- Temporary adjustment to work duties

Please list below

Is an occupational health referral required?
If yes, please contact HR

Yes / No

Does the employee's level of absence present a cause for concern? YES / NO

Is payment recommended for this period of absence? YES / NO

Is a formal review meeting required? YES / NO

Please contact HR Department if appropriate.

Declaration I also declare that the information in this form is a correct record of the absence and discussions at the return to work interview.

Employee signature		Date	
Line manager signature		Date	
HR System Updated	Yes/ No	Date	

Appendix 2 –Medical suspension

Introduction

On occasions, employees will be suspended for medical reasons. Medical suspension means requiring the employee to stay at home whilst a medical matter is being investigated. Such suspension will be used for as limited a time as possible.

This policy applies to all employees of the Trust.

Circumstances when medical suspension may be appropriate

i. Disagreement between the employee's general practitioner (GP) and the Trust's occupational health adviser

In certain circumstances, the employee's GP will confirm that the employee is fit to resume their job and the occupational health adviser will not be of the same view. In this situation the occupational health adviser will make arrangements to see the employee and if he or she remains of the same opinion, write to the employee's manager confirming this and also request that the employee should be suspended on medical grounds, and then contact the employee's GP explaining why he or she is of the opinion that the employee is not fit enough to resume their job. In most instances, the employee's GP will agree with the view of the occupational health adviser and continue signing medical statements. Once these are received the medical suspension ends. Where the employee's GP does not agree with the occupational health adviser, Trust will consider all of the information and take a view as to whether the employee should remain on medical suspension.

ii. Occupational Health is of the opinion that an employee is unfit

Situations may arise when the occupational health adviser sees an employee who is attending work but believes the employee's medical condition is such that s/he should not be at work. In this situation the occupational health adviser will refer the employee to their GP and write to the employee's manager requesting that the employee should be suspended on medical grounds. Until such time as the employee submits a medical statement from their GP, s/he remains on medical suspension.

iii. The manager is of the opinion that an employee is unfit

In rare circumstances, management may believe that an employee attending work is unfit. In this circumstance a manager will request that the employee visits their doctor to obtain a medical statement and refer the employee to the occupational health adviser for further advice. Until such time as a medical statement is produced and/or the opinion of the occupational health adviser is received, the employee will remain on medical suspension.

Payments during medical suspension

During medical suspension an employee will continue to receive their normal full pay and these days will not count towards triggers. Medical suspension is not to be used as a device to award an employee full pay when s/he may have exhausted their

entitlement to sick pay. Neither should it be used while attempts are being made to redeploy an employee on health grounds.

Circumstances when medical suspension will not be appropriate

If an employee refuses to visit their GP or if the employee's doctor refuses to provide a medical statement, the employee's manager will refer the employee to the occupational health adviser as a matter of urgency. This is not a situation where medical suspension will automatically occur. The occupational health adviser will deal with each case individually and their opinion will prevail.