



# Managing Sickness Absence Policy

Audience:	All employees Local Governing Bodies
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## REAch2 Managing Sickness Absence Policy



At REAch2, our actions and our intentions as school leaders are guided by our Touchstones:

- Integrity** We recognise that we lead by example and if we want children to grow up to behave appropriately and with integrity then we must model this behaviour
- Responsibility** We act judiciously with sensitivity and care. We don't make excuses, but mindfully answer for actions and continually seek to make improvements
- Inclusion** We acknowledge and celebrate that all people are different and can play a role in the REAch2 family whatever their background or learning style
- Enjoyment** Providing learning that is relevant, motivating and engaging releases a child's curiosity and fun, so that a task can be tackled and their goals achieved
- Inspiration** Inspiration breathes life into our schools. Introducing children to influential experiences of people and place, motivates them to live their lives to the full
- Learning** Children and adults will flourish in their learning and through learning discover a future that is worth pursuing
- Leadership** REAch2 aspires for high quality leadership by seeking out talent, developing potential and spotting the possible in people as well as the actual

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## **1. POLICY OVERVIEW**

### **1.1 Overarching Principles**

REAch2 recognises that employees are the most important asset. Whilst regular, punctual attendance is an implied term of every employee's contract of employment, supporting an employee to return to work as soon as possible after a period of illness or injury can not only help maintain their health and wellbeing, but also help improve the effectiveness of a school or academy.

### **1.2 Intended impact**

This policy is intended to support staff and to enable managers to manage sickness absence in a way, which is fair and consistent and complies with employment legislation.

The sickness absence management procedure balances the needs of REAch2 and the academies with the interests of individual employees. It aims to treat all staff with dignity and sensitivity, fairly and consistently whilst minimising disruption and reducing additional staffing costs.

### **1.3 Roles and responsibilities**

#### **Employee's responsibilities**

- a) Attending work when fit to do so
- b) To report promptly their absence
- c) To provide details and make every effort to attend meetings required under this procedure

#### **Line manager's responsibilities**

- a) To adopt this procedure for the effective management of attendance and ill-health
- b) To consider early intervention and support strategies, such as an occupational health referral, regular welfare meetings, clear contact arrangements, counselling, physiotherapy and implementing reasonable adjustments where necessary
- c) To ensure appropriate on-going contact whilst the employee remains sick
- d) To ensure that all sickness information will be kept confidential and managed in accordance with data protection legislation.

Training will be provided to managers dealing with the Managing Sickness Absence Policy to ensure they are confident in applying the procedure and understand the nature of support.

## **2. POLICY PRINCIPLES IN DETAIL**

### **2.1 When to use this Policy**

This policy should be applied when dealing with an employee's sickness absence. This includes long term sickness absence, frequent short term sickness absence or a combination of both. Long term sickness absence is usually defined as four continuous weeks or more. Frequent short-term sickness absence takes the form of minor absences that occur more regularly.

Employee sickness absence is the day-to-day management responsibility of the line manager with support from HR, who will provide specialist advice and may attend any meeting held under the formal stages of this procedure. Dismissal will be a last resort and only by a Hearing Committee.

## **2.2 When not to use this Policy**

Alleged unauthorised or fraudulent absence will be treated as a conduct issue and may be managed under the REAch2 Disciplinary Policy.

Absence not related to sickness, such as special leave of absence, bereavement, parental and carer's leave are managed under a separate policy.

## **2.3 Pregnancy and maternity-related absence**

All pregnancy and maternity-related absence will be disregarded when monitoring and managing absence under this procedure. Pregnancy and/or maternity-related illness will be considered separately from other types of illness and it will not count towards an employee's overall attendance record. Sickness absence associated with a miscarriage will also be treated as pregnancy-related and be disregarded for the purposes of this procedure.

In these circumstances, the line manager will meet with the employee to discuss the reasons for their absence and their wellbeing as part of a return to work meeting. Additional adjustments may be identified as a result of this meeting.

Please refer to the Maternity Policy for further guidance.

## **2.4 Absence related to a disability**

The Equality Act 2010 defines a person with a disability as a person with a physical impairment that has a 'substantial' and 'long term' negative effect on their ability to undertake normal daily activities and provides protection against discriminatory treatment and the employer is required to make reasonable adjustments. If the recommended or requested adjustments are not considered reasonable, this will be discussed with the employee and an explanation provided. Alternatives for the employee, if adjustments cannot be accommodated, may include alternative employment, and/or an agreed temporary or permanent reduction in hours.

It may be reasonable to disregard periods of absence in the short term where an employee has recently developed a disability and needs time to learn to manage the condition. In this case, medical advice will be sought and a process will be agreed for monitoring and recording the duration and reasons for the absence.

## **3. IMPLEMENTATION**

Most periods of sickness absence result in the employee being able to return to work. However, there are some occasions when the level and duration of an absence is such that this may ultimately result in the termination of an employee's contract of employment on the grounds of unsatisfactory attendance or ill health capability, where long term sickness absence is a concern.

### **3.1 Reporting and monitoring sickness absence**

If an employee is unable to attend work due to sickness, they must report this to their line manager or the person designated (e.g. in the academy's sickness reporting arrangements) as soon as possible on the first working day of the absence by telephone and preferably at least one hour before they are due to start work. A headteacher's absence should be notified to the Regional Director.

The employee should state the reason for their absence, the likely duration and confirm the actual date they became unwell. In exceptional circumstances, if the employee is not well enough to make a telephone call personally, a close relative or friend may provide this information. The date the illness started is important as this relates to the employee's sick pay entitlement and to statutory sick pay.

Reporting sickness absence and providing appropriate medical certification is a requirement of the respective national and/or local sick pay schemes. Consideration may need to be given to unforeseen personal circumstances which prevent an employee from complying with this requirement. Line managers will take a reasonable and considerate approach.

Informal discussions with absent employees may be appropriate before consideration is given to a formal stage. Early support may take the form of preventative action, including referrals to occupational health, physiotherapy counselling, mediation, or a risk assessment as appropriate.

Where an employee unexpectedly fails to report for duty, and no notification of absence is received, attempts will be made to contact the individual or their emergency contact.

### **3.2 Fit Notes**

A copy of a fit note should be submitted by the employee if the illness lasts more than seven calendar days and must cover sickness during school holiday periods as well as during term time. The GP will recommend that an employee is 'not fit for work' or that an employee 'may be fit for work subject to certain adjustments' such as a phased return to work, altered hours, amended duties or workplace adaptations. An employee may not come back to work before their fit note expires without returning to the GP beforehand.

If the fit note recommends that an employee is 'not fit for work', the fit note is evidence for contractual sick pay. Employees do not need to be signed back to work, it is assumed that the employee will be back at work after the fit note expires unless a further fit note is issued.

If the fit note includes a recommendation that an employee 'may be fit to return to work, subject to certain adjustments', the employee should contact their line manager to discuss the GP's recommendations before returning to work. Although there is no statutory requirement to allow such representation, requests for a trade union representative or work place colleague to be present at these discussions are welcomed. After careful consideration and discussion with the employee, the line manager will decide whether the GP's recommendations are feasible and reasonable to implement. If the line manager is unable to agree to the recommendations, the reasons for the decision will be communicated to the employee in writing and the fit note will be treated as if it says that the employee is 'not fit for work' and the employee will remain on sick leave.

Self-certificates and fit notes are considered to be personal records. The line manager is responsible for the confidentiality of this information and for ensuring that an employee's sickness absence record is kept up to date so that the employee receives any sick pay entitlement in accordance with the relevant sick pay schemes.

### **3.3 Absence due to accidents, injuries and assaults**

If an employee considers that their illness and/or sickness absence has been caused by an accident, injury or assault at work, they should explain this when notifying the line manager of their absence. The line manager will ensure that the appropriate process and 'accident reporting' paperwork has been completed and the usual arrangements for reporting and recording employee sickness absence are followed.

There are special provisions in the national and/or local sick pay schemes in relation to absences arising from accidents, injury or assault at work.

### **3.4 Absence due to contact with infectious diseases**

If an employee is signed off by a GP and unable to attend work due to having one of the following infectious diseases this will not be counted against the individual's record and their sick pay will not be affected: chicken pox, mumps, scarlet fever or whooping cough.

Employees may seek advice from their line manager or HR as this list is not exhaustive

### **3.5 Contact with absent employees**

There is a shared responsibility between the line manager and an employee to maintain reasonable contact during periods of sickness absence. This may prevent the employee from feeling isolated and provide the opportunity to:

- a) discuss the employee's welfare and offer support as appropriate (e.g. referral to Occupational Health, risk assessments);
- b) find out about a likely return date (if known) so cover can be arranged;
- c) agree the method and frequency of on-going contact whilst the employee remains absent, and
- d) keep in touch and provide key work updates as necessary.

Any contact arrangements should be sensitive to the employee's needs and circumstances. If an employee fails to contact their manager then it is reasonable for the line manager (or another nominated manager) to get in touch in line with REAch2's duty of care. In some cases, it may be appropriate for contact to be made via a trade union, work place colleague, close relative or family friend rather than direct contact by the line manager.

It will not be assumed that an employee, where the reason provided for the absence is 'stress' or 'depression', is incapable of discussing their condition with their line manager or with Occupational Health. A referral to Occupational Health may be necessary if the employee and their GP have stated that they are unfit to attend a meeting.

Where sickness absence occurs at the end of a term, or before an employee is due to take annual leave, the line manager may contact an employee to confirm which dates are sickness absence and which are annual leave.

The Regional Director must also ensure that an academy has appropriate arrangements for reporting and managing a headteacher's sickness absence, including maintaining reasonable contact.

### **3.6 Absence related to stress or mental health**

As part of their duty of care, a line manager will endeavour to maintain reasonable contact with employees who are absent with stress or mental health issues. If a particular manager is identified as the cause, or contributing to the stress experienced by the employee, then an alternative manager will be allocated to maintain contact during the period of sickness absence. Depending on the circumstances of the case, it may be appropriate for contact to be made via a trade union representative.

REAch2 has a duty under this procedure to establish whether an employee's stress is work-related, and/or personal and, where possible, to take measures to control that risk using appropriate risk assessments. Other early intervention strategies may be advisable such as referral to Occupational Health or counselling providers, agreed temporary or permanent reduction in working hours, additional support, training, temporary or permanent re-allocation of duties. HR may be called upon to assist with these interventions.

### **3.7 Medical, dental and all health-related appointments**

Employees will be expected to make every effort to arrange all routine medical, dental and other health-related appointments outside normal working hours or, if not possible, at times that will cause least disruption to work. Generally, staff will be required to make up any working time lost though reasonable time off with pay will be granted for visits to the doctor, hospital, or dentist when surgeries are not available outside of working hours. In non-routine cases, and exceptional circumstances such as emergency medical treatment or appointments related to a disability, paid time off to attend all or some appointments will be considered.

## **4.0 REASONABLE ADJUSTMENTS**

### **4.1 Occupational Health referrals**

Referrals to Occupational Health may be appropriate for a variety of reasons but are primarily obtained to:

- a) provide independent medical advice about how an employee's health is affecting their ability to carry out their responsibilities;
- b) support relevant pension schemes with requests for ill-health retirement;
- c) obtain regular updated information on the progress of a disability so that adaptations can be made in the workplace in a timely manner
- d) comply with requirements of the relevant sick pay scheme in cases of absence due to accidents at work.

Advice and guidance on making the referral and dealing with the report once received can be provided from HR.

An Occupational Health referral can be made at any stage of the absence. An early referral is beneficial. A referral will be made after twenty working days, or one calendar month's absence.

An employee's consent must be obtained before a referral is made. An employee consents to the referral by signing the Occupational Health Referral Form at Appendix 2. If an employee refuses to attend, they should be advised that any subsequent management decisions will be limited to available medical advice/sources, which may not relate directly to the employee's role, and their potential fitness to return to work.

Under the conditions of service for teachers (the Burgundy Book), a teacher who has prolonged or frequent absence levels due to sickness is not entitled to be paid sick pay unless, at REAch2's request, they attend an examination by an approved medical practitioner. The Green Book requires support staff to attend a medical examination with a nominated medical practitioner at any time.

The usefulness of the report provided by Occupational Health will depend greatly on the factual information provided by the manager and the specific questions that are asked. A report will usually provide advice on the underlying health issues, when the employee is likely to return to the workplace and whether any adjustments can be made to support that return.

REAch2 will consider requests for an Occupational health assessment for any disabled employee in line with the Equality Act 2010 and for any employees where this will facilitate a return to work following sickness absence.

If necessary Occupational Health will advise on which episodes of sickness absence are disability-related so consideration can be given on how best to manage the absence, as a reasonable adjustment. This may involve a case discussion between the line manager, Human Resources and the Occupational Health provider.

#### **4.2 Pay during reasonable adjustments**

Where an employee returns on reduced working hours for a limited phased return, they will receive normal pay for the time worked. For any normal hours not worked, statutory sick pay (SSP) and contractual sick pay will be paid in accordance with the individual's outstanding sick pay entitlements. If an employee returns to work on their normal hours but carries out partial duties, they will receive full normal pay for the agreed period. Any period of phased return that is connected to the previous period of sickness is considered part of the same sickness absence.

#### **4.3 Phased return to work arrangements**

A phased return to work will be considered and discussed with the employee before they return to work and advice sought from Occupational Health where appropriate. This allows the employee to return to their hours of work and responsibilities gradually. A phased return would not normally last for more than five working weeks, although the line manager may agree with the employee to extend this period on a case by case basis and taking into consideration any other advice. A phased return may not be necessary or appropriate in every case.

The phrase 'phased return' is also used by GPs when advising that an employee, whilst *not fully fit*, may be *fit for some duties*. During the first six months of an employee's absence a GP can recommend in a fit note that an employee may be fit to work if certain adjustments are made before the employee returns, including a phased return of up to three months. This provision is designed to help employees return to work sooner than might otherwise have been the case. Occupational Health may also make recommendations about the type and duration of a phased return to work.

It may not be possible to accommodate the proposals made by a GP or by Occupational Health for a phased return to work. If this is the case, the employee remains on sick leave until they have fully recovered, or a convenient alternative such as a temporary reduction in hours with no reduction in pay, can be agreed.

A record of discussions with the employee about a phased return should be retained and a copy issued to the employee and placed on their personal file. It may be helpful to include the employee's trade union representative or a work place colleague of their choice in these discussions although there's

no obligation to do so. If a phased return is agreed, review meeting(s) will be arranged at appropriate points to ensure that the employee is adjusting well to the return.

#### **4.4 Ill health retirement (IHR)**

REAch2 will consider an employee's eligibility for IHR before consideration is given to dismissing an employee for lack of capability due to ill health.

IHR for all employees in the Local Government Pension Scheme (LGPS) must be certified by an independent Occupational Health adviser. For teachers, applications are assessed by medical advisers appointed by the Department for Education.

Support staff who are granted IHR under the Local Government Pension Scheme (LGPS) still need to be dismissed at a hearing in order to access their benefits. However, dismissal is not required for teachers and they need to agree an end date with the academy once IHR has been granted and their pension has been awarded.

#### **4.5 Absence Indicators**

Absence indicators can help to manage attendance by:

- a. identifying that an employee is having frequent and regular sickness absence;
- b. encouraging early dialogue with employees to improve attendance levels and establish clear expectations;
- c. providing a consistent approach when monitoring attendance levels;
- d. helping to identify possible trends so that preventative measures can be put in place.

Whilst each case of sickness absence should be considered individually and may not result in formal action, the following absence indicators should prompt a review and a discussion with the employee. For consistency, REAch2 has established the following absence indicators to be used:

- a) Three or more separate episodes of sickness absence within three calendar months (an episode is any period of sickness absence lasting a working day or more);
- b) a continuous absence due to sickness lasting twenty working days over four continuous weeks or more;
- c) an employee who is repeatedly on sick leave on certain days or at certain points in the year.

These indicators do not include absences which are for reasons due to injury at work, pregnancy, or disability.

#### **4.6 Return to work meetings**

A return to work meeting should be carried out after every period of absence regardless of the duration or the reason for the absence, including absences related to pregnancy, disability, injury/accident at work or hospitalisation. Often, for short periods of absence, a brief, informal discussion will suffice. When an employee is returning after a long period of absence or when other reasonable adjustments are under consideration, such as phased returns, the return to work meeting should take place before the return to work.

The line manager may combine the return to work meeting with an informal and supportive discussion about attendance. The purpose of the return to work meeting is to:

- a) welcome the employee back and discuss their fitness to return to work;
- b) clarify the reason(s) for the absence;
- c) ensure all relevant paperwork is complete (usually self-certificate and/or Fit Note);
- d) discuss any support or adjustments that may be appropriate;
- e) provide an update on work matters;
- f) where appropriate, discuss any previous absences (including any concerns about patterns or levels of attendance over the previous 6 months), ensure that the absence record is accurate and discuss any support or adjustments aimed at improving attendance.

If an informal discussion about patterns or levels of attendance is taking place at this meeting, the employee should be provided with an up to date record of their sickness absences prior to the meeting. Whilst employees do not have a statutory right to be accompanied by a workplace colleague or trade union representative at return to work meetings, this support may be beneficial to all concerned in contentious or difficult cases and is available to the employee, at the line manager's discretion.

All return to work meetings should be confidential. A summary of the discussion should be made by the line manager, or a note taker. Notes will be provided to the employee afterwards and a copy placed in the employee's personal file.

If, during discussion with the employee, the line manager thinks the employee is not fit for work they can medically suspend the employee and help them with transport arrangements home if necessary. A referral to Occupational Health will be made and the line manager should advise the employee to see their GP as soon as possible.

Where an employee feels uncomfortable discussing the nature of their absence with their line manager, they may ask to discuss the matter with another manager instead. Any such request will not be unreasonably refused.

## **5 Managing frequent short-term absences**

### **5.1 Informal Discussion**

In most cases, early informal discussions with an employee about frequent short-term sickness absences, with appropriate support and interventions will suffice. However, in cases where an employee's sickness absence remains unsatisfactory despite informal support and discussion, the formal stage may be started.

An informal discussion about attendance can be combined with a Return to Work meeting if an employee has met one of the absence indicators. These discussions are informal and held with a view to improving the employee's attendance before any formal process begins. There is no right to representation at this meeting, however an employee may ask to be accompanied by a trade union representative or work colleague and, in many cases, this is beneficial to all concerned. Attendance by a representative is at the line manager's discretion.

In preparation for the discussion, the line manager should provide a copy of the employee's absence records to the employee in advance of the meeting. Time off for agreed medical appointments, disability related absences, pregnancy or maternity-related sickness, will not count towards the absence indicator but may be discussed.

The meeting will cover:

- a) that it is an informal review meeting;
- b) confirmation that the employee's absence record is correct;
- c) a discussion about the employee's health and well-being to establish if there is an underlying reason for their absence;
- d) any 'non-medical' (especially work-related or welfare) issues which may be contributing to the absences;
- e) Reasons for the absence and strategies, actions or support to help improve and maintain attendance levels - for example counselling, referral to occupational health, suggestions on how to achieve a work-life balance.

The emphasis will be on agreeing positive and supportive steps together for an Attendance Monitoring Period of not fewer than 13 weeks accompanied by an Attendance Improvement Plan with the aim of improving attendance levels. The manager will clarify that if attendance does not improve the employee will be invited to a Formal Attendance Meeting where formal action may be considered, leading to a Hearing and potential dismissal due to unsatisfactory attendance.

The Attendance Improvement Plan will be shared with the employee within 5 working days of the meeting. If there is an underlying health condition or disability which may be causing the employee to take frequent short-term sickness absences, a referral to Occupational Health will be made.

## **5.2 Formal Attendance Meeting - frequent short-term sickness absence**

If attendance does not improve, a Formal Attendance Meeting will be arranged with the employee at the end of the Attendance Monitoring Period. The employee has a right to be accompanied or represented by a trade union representative or work place colleague to this meeting.

Prior to the meeting, the manager will review the employee's up-to-date absence record and write to the employee to advise them of the purpose of the meeting. A copy of the Managing Sickness Absence Policy and a breakdown of their attendance record should also be attached to the letter for discussion at the meeting. The letter, with the supporting paperwork, should be sent to the employee at least 5 working days before the meeting to ensure that they have enough time to prepare a response and to seek appropriate advice from a trade union representative or work place colleague.

The discussion will include:

- a) accuracy of employee's absence record;
- b) any further factors which may have arisen and contributed to the levels of absence;
- c) any 'non-medical' issues which may be contributing to the absences;
- d) the reasons for the employee's frequent short-term sickness absence;
- e) any mitigation or reasons raised by the employee;
- f) the extent to which the employee's attendance levels has had an impact on their ability to carry out their role.

Following the Formal Attendance Meeting, the manager will consider all the available evidence and decide whether any further action will be taken. During the meeting, the manager may wish to adjourn to consider all the available evidence before deciding on an appropriate outcome.

Outcomes can include:

- a) Deciding to take no further action at this stage; or

- b) Confirming that the employee's sickness absence levels have not improved and that there will be a Decision Meeting with the head teacher (in an academy) or with the head of service (Central team).

It may be necessary at this point to obtain an up-to-date Occupational Health Assessment if one has not already been obtained. The case should not be progressed to a Decision Meeting without up to date Occupational Health advice.

The manager will summarise the Formal Attendance Meeting in writing within 5 working days, confirming the outcome, enclosing a copy of the Attendance Improvement Plan where appropriate, and the date and time for a Decision Meeting if necessary.

### **5.3 Decision Meeting**

A Decision Meeting is with the head teacher or head of service. Normally, this meeting will be held at a REAch2 academy, however it may be appropriate for the meeting to be held at a neutral venue with the employee's consent.

The purpose of the meeting will be to review an employee's attendance levels in line with the agreed Attendance Improvement Plan, at least 13 working weeks from commencement of monitoring under this procedure.

If the employee or their representative are unable to attend the Decision Meeting at the time and date previously agreed, the employee may suggest an alternative time and date as long as it is reasonable and is not more than 5 working days after the original date.

The trade union representative will be allowed to address the meeting to sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and to confer with the employee during the meeting. The representative does not have the right to answer questions on the employee's behalf, address the meeting if the employee does not wish it or prevent the employer from explaining its case.

Following the discussions, the head teacher or head of service will adjourn to consider the options available. These may include:

- a) Writing to the employee to explain the extent to which their attendance levels still fall short of what was agreed despite the support put in place during the Attendance Monitoring Period. The letter should also warn the employee that, subject to medical advice from Occupational Health, the case will be referred to a Hearing Committee. The hearing may lead to termination of their employment due to unsatisfactory attendance.
- b) If the head teacher or head of service feels that improvements in attendance levels have been made during the Attendance Monitoring Period but not enough to justify taking no further action, a second Attendance Monitoring Period will be put in place, with an Attendance Improvement Plan for no more than 13 weeks.

The outcome of the Decision Meeting will be confirmed in writing within 5 working days, providing a summary of the key points discussed (including an updated Attendance Improvement Plan where appropriate), and confirmation of outcome.

## **6 Managing long term sickness absence**

An employee with a terminal illness or life-threatening degenerative illness where the employee's medical condition is known and will not improve will not be asked to attend sickness absence monitoring interviews. The Trust will provide support to individuals in these circumstances and this could mean that other meetings, interviews etc. are held at reasonable intervals. However, such action does not form part of a management initiative to reduce sickness absences. The wishes of employees in these cases to keep their circumstances confidential will be respected.

Sickness absence will be considered long term if an employee has been absent for four continuous weeks or more.

Where employees know in advance that they are going to be absent from work, for example for a planned operation, the line manager and employee will meet beforehand to discuss:

- a) the reason for the absence;
- b) the likely length of the absence;
- c) whether support and counselling should be offered;
- d) the level of support that the employee may need on their return to work;
- e) any potential phased return;
- f) any cover arrangements;
- g) keeping in touch arrangements;
- h) a referral to Occupational Health, where appropriate.

### **6.1 Informal Discussion(s)**

If an absence has lasted for four continuous weeks or more and there is no likelihood of an early return to work, a welfare meeting will be arranged with the employee either at an academy, at their home or at a neutral location with the employee's agreement. If the meeting takes place at the employee's home, the line manager will be accompanied by another member of senior staff and the employee may have a family member, or a trade union representative present. The employee should be invited to provide any further documents that would aid the discussion, including medical evidence. In cases of stress and mental health, the principles outlined in this policy regarding contact arrangements will apply.

During the welfare meeting, the employee will be invited to discuss all or some of the following according to the circumstances:

- a) the cause of the absence and relevant details of the diagnosed illness if known;
- b) how long the absence is likely to last, if known;
- c) any other factors at work or at home which might be contributing to the absence;
- d) suggestions of support/actions/reasonable adjustments/risk assessments that could be put in place by the employee or the line manager to help the employee return to work, including ergonomic assessments from other external agencies where appropriate;
- e) the benefits of referral to occupational health and the process for a referral;
- f) where appropriate, possible alternatives if the employee is unable to return to work e.g. mutually agreed reduction in working hours by a temporary or permanent variation in contract and/or stepping down of responsibilities;
- g) dates for future meetings/contact.

The possibility of ill-health retirement or otherwise leaving employment may also be discussed.

After the initial welfare meeting, further informal meetings may be arranged with the employee to discuss and re-evaluate the situation. The latest medical information, whether from a Fit Note, occupational health or other relevant consultants/medical specialists as appropriate, will be essential to discuss appropriate action and should form the basis of regular communication between the employee and the line manager. Ongoing communication is important as it may facilitate a return to work.

If the latest Fit Note states that the employee is 'fully fit to return' or that they 'may be fit to return', subject to specific adaptations such as a phased return to work, a Return to Work meeting should be arranged by the line manager to discuss any support that can be offered and to agree a return to work plan.

## **6.2 Formal Attendance Meeting – long term sickness absence**

If it is apparent from an Occupational Health report, or from other relevant medical evidence, that the prognosis for an employee's return to work is uncertain or unknown, consideration should be given to inviting the employee to a Formal Attendance Meeting.

The employee should be informed in writing, at least 5 days prior to the meeting, of the meeting date and of their right to be accompanied by their trade union representative or work colleague and given time to arrange this. If an employee is uncomfortable with a particular manager undertaking the meeting, then an alternative can be requested. Any such request will not be unreasonably refused.

The purpose of the meeting will be to determine:

- a) whether there have been any changes since the last meeting regarding a possible return to work or opportunities for return or redeployment;
- b) the prognosis for recovery after considering the up to date medical evidence available (including the Occupational Health report) and the medical treatment that the employee is receiving;
- c) whether there is a likelihood of the employee returning to work in the reasonably foreseeable future.

If medical information is available that indicates that the employee may be unable to resume in their current job early consideration should be given to alternatives such as redeployment, ill health retirement etc. The employee should be provided with information regarding these options and advised to seek advice from their trade union representative:

- a) the employee's view on how much longer they will be off work and their expectation of being able to return to work (the employee should not feel pressured to return to work before they feel fit to, or before their GP considers them fit for work);
- b) what additional adjustments or supportive measures the line manager could put in place to facilitate their return to work;
- c) any additional available support for the employee;
- d) to advise the employee that, as a last resort, and once all other possible suggestions have been considered, e.g. mutually agreed reduction in working hours by a temporary or permanent reduction in working hours, stepping down of responsibilities, that their case will be referred to a committee of two governors and the head teacher, (in an academy), or to three members of the Senior Leadership Team to include their head of service for central staff, and that the outcome may be dismissal due to ill-health capability.

Following the discussions, the line manager will adjourn to consider the evidence and the options available, which may include:

- a) Setting up a date for a return to work meeting with the employee as a return to work is now possible within a specific reasonable timescale;
- b) Setting a further reasonable period, but no more than thirteen weeks, to allow for additional management support and/or recovery. During this period, the line manager will continue to consult with the employee and to review appropriate medical advice. This option will be supported with a warning that if the employee is unable to guarantee a return to work date within a reasonable defined period, then they may still need to be referred to a Hearing Committee for the consideration of their future employment;

If the employee has been granted ill-health retirement, either agreeing an end date, in the case of teachers, or explaining that their case will now need to be referred to a Hearing Committee for lack of capability due to ill health, in the case of support staff. Support staff cannot access benefits under their pension scheme until they have been formally dismissed.

The manager should confirm in writing within 5 working days the outcome of the Formal Attendance Meeting, including a summary of the key points discussed/action points, confirmation of outcome reached and next steps.

The point at which dismissal on grounds of ill-health may be considered will vary depending on the individual circumstances of a case. Dismissal should always be a last resort once all reasonable alternatives have been considered. Each case will be considered on an individual basis and early advice should be sought from HR and occupational health before an employee is invited to a hearing as outlined below where a decision will be taken.

### **6.3 Decision Meeting – long term absence**

Following the Formal Attendance Meeting, if the line manager has established that a return to work date remains unknown or uncertain, the employee will be invited to a Decision Meeting with the head teacher or head of service. Normally, this meeting will be held at a REAch2 academy, however it may be appropriate for the meeting to be held at a neutral venue with the employee's consent.

The purpose of the meeting will be to review all of the evidence and to gauge if, and when, the employee is in a position to return to work based on latest medical advice. Following the discussions, the head teacher or head of service will adjourn to consider the options available. These may include:

- a) Setting up a date for a return to work meeting with the employee as a return to work is now possible within a specific reasonable timescale;
- b) Setting a further period to allow for additional management support. This option to be supported with a warning that if the employee is unable to guarantee a return to work date within a reasonable defined period, then the case may be referred to a Hearing Committee for the consideration of future employment;
- c) Confirming to the employee that their case will now be referred to a Hearing Committee for lack of capability due to ill-health on the basis that there is no prospect of his or her return within a reasonable timeframe and that all reasonable alternatives to dismissal have been considered.

## **7 Hearing Committee**

The dismissal of an employee on the grounds of unsatisfactory attendance or ill-health capability should be a last resort only after all other options have been fully considered and after adjustments have been considered to support the employee's continuing employment.

In preparation for the hearing, current medical advice should be sought from an occupational health provider. The latest medical advice should be no more than three months' old unless there have been no significant changes to the employee's medical condition, in which case new medical advice will not be necessary. Regardless of the type of absence causing concern, it is essential to verify whether or not there is an underlying illness or disability that is causing the employee to have so much time off, and to obtain a prognosis of the illness, before an employee is considered for dismissal for ill health capability or unsatisfactory attendance.

A letter will be issued to an employee inviting them to attend a hearing, with an explanation of the reasons for the hearing, the location and time. Copies of any relevant documents will be included with the letter. The letter will remind the employee of their right to be accompanied or represented by a work colleague or trade union representative. To ensure that the employee has enough time to prepare and to seek advice, at least 10 working days' notice will be given.

The employee will be asked to confirm that they will be attending the hearing, who will be representing him or her, and a list of any witnesses they intend to call. The employee should also be reminded to provide this information along with any documentation they wish to rely on at least five working days before the hearing. Names of any witnesses from both sides should be circulated at least five days in advance along with a written statement from each witness for consideration at the hearing.

It is useful to agree a date with the employee's representative before sending the formal notice. The employee may suggest an alternative time and date for the hearing as long as it is reasonable and is not more than five working days after the original date. The head teacher or head of service may reject the suggestion but will only do so if it is unreasonable, and they may proceed to hear the case in the employee's absence. Advice on what is reasonable may be sought from a HR.

### **7.1 Who conducts the hearing?**

The hearing will be conducted by a Panel of two governors and a head teacher (for academy based employees) or three members of the Senior Leadership Team (for central staff), provided none has been previously involved in the case.

### **7.2 Who presents the hearing?**

The head teacher or head of service will usually present the case. If the head teacher is the subject of the hearing, the Chair of the Hearing Panel will seek advice from HR on who is to present.

### **7.3 Representation**

The employee can be accompanied and represented by a trade union representative or work place colleague.

### **7.4 Order of Hearing**

The hearing will follow the order set out in the REAch2 Disciplinary Procedure.

## **7.5 Decision**

The Panel will consider all of the evidence about non-attendance, including mitigation presented by the employee, and decide on one of the following options:

- a) To take no further action in relation to the employee; or
- b) To determine that the employee's employment is terminated with full notice or payment in lieu of notice due to ill health capability (long term sickness) or unsatisfactory attendance (frequent short-term sickness); or
- c) To set a final review period to allow for additional formal monitoring and/or management support. This option to be supported with a warning that if the situation has not been resolved satisfactorily by the end of a defined period, then the Panel will reconvene to reconsider the employee's continued employment. The notice provisions set out above will apply to any hearing that is reconvened.

The Chair of the Panel will state the decision to the parties in person or subsequently in writing. Any decision communicated at the hearing will be confirmed in writing within five working days. This will include the right of appeal. Advice will be sought from HR on the duties to be undertaken by the employee during the notice period.

## **8 Appeals**

An employee has the right of appeal against the decision of the Panel. An appeal shall be made to an Appeals Committee established by the Chair of the Hearing Panel.

An employee may appeal by giving written notice of the appeal, including grounds and all relevant supporting evidence, to the Chair of the Hearing Panel within 10 working days of receiving notification of the outcome of the hearing. An employee should set out their appeal in writing, stating the full grounds of appeal.

The purpose of the appeal is to give the employee the opportunity to have their grounds of appeal considered by a committee comprising of two further governors and a different head teacher (in an academy) or two members of the Senior Leadership Team plus an executive director (in the Central team). None of these should have been involved in the process previously. This is the Appeal Committee.

The appeal will be arranged as quickly as possible. Every effort will be made to agree a date with the employee's representative, before sending out the formal invitation letter and supporting paperwork to the relevant parties.

The employee may suggest an alternative time and date as long as it is reasonable and is not more than 5 working days after the original date. The Appeals Panel may reject the suggestion if it is unreasonable and may proceed to hear the case in the absence of the employee or the employee's representative. The Appeals Panel may also defer the date of the hearing to reach mutual agreement on a particular date.

At least ten working days' notice of the hearing will be provided to all participants and the Appeals Panel will follow the procedure as set out in the REAch2 Disciplinary Policy for an appeal hearing.

Following an adjournment to consider the evidence, the Appeals Panel may:

- a) dismiss/reject the employee's appeal (so that the original decision stands); or

- b) uphold/accept the employee's appeal and determine what further action should be taken; or
- c) uphold/accept the appeal and amend the period defined for further improvement and/or management support as decided at the original hearing.

The Appeals Panel may announce the decision orally to the parties or may notify the employee of the decision within 5 working days of the hearing.

The decision of the Appeals Committee is final and represents the end of this procedure.

## **9 Health concerns unrelated to absence**

Whilst the vast majority of cases considered under this procedure will relate to attendance, there may be cases of employees who are attending work but who appear to be unfit because of a particular medical condition. These medical conditions may lead the relevant pension scheme to grant ill-health retirement. However, it should not be assumed that an employee is unfit for work just because they suffer from a particular medical condition.

### **9.1 Medical Suspension**

If REAch2 becomes aware of behaviour which affects negatively the employee's ability to fulfil their duties, and this appears to be linked to a medical condition, advice should be sought from HR. Depending on the circumstances, it may be advisable for the employee to be asked to go home and to make an appointment with their GP. In this case, the line manager will meet with the employee to explain what has been observed and the reasons for asking them to go home. Informal discussions are the best way of managing cases of this nature and formal meetings should not take place unless advice has been sought from HR.

In these cases, the employee is suspended on medical grounds. Any such suspension will be on full normal pay and may be lifted after advice has been sought from a GP or an Occupational Health Adviser.

### **9.2 Managing a combination of frequent short-term and long-term sickness absence**

Where a combination of frequent short-term sickness absence and long term sickness absence is a cause for concern, this should be managed by reference to the latest or current type of absence. However, it may be necessary in informal and formal meetings to refer to the impact that both types of sickness absence are having and to offer appropriate support.

CONFIDENTIAL – Sickness Self Certification Form

Please complete this form during the return to work interview with your line manager

<b>Employee Surname:</b>		<b>First Name:</b>	
<b>Job title:</b>		<b>Region:</b>	
Brief description of illness:			
First day, date and time of absence - include non-work days:		Last day, date and time of absence including non-work days:	
Date and time of return to work (see below for guidance):			
<i>To be completed by line manager</i>			
If absence was for more than 7 calendar days a GP Certificate <u>must be</u> attached to this form. If applicable has a medical certificate been received?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
Number of episodes of sickness within the last 12 months		Number of days sickness within the last 12 months	
<i>Please refer to the Managing Absence Sickness policy to see if any sickness triggers are met, please notify your HR department if this is the case.</i>			
Occupational Health Referral required?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
Reason for Occupational Health Referral:			
Is further action appropriate? First Stage / Second Stage / Final Stage <i>(if so please refer to the Managing Absence Sickness policy and consult with HR)</i>			
<b>Notes of Line Managers/Supervisor's/discussion with employee</b>			

<b>Industrial Injuries</b>		
Is the absence caused by an industrial injury or industrial disease?		
Is the absence caused by an accident at work?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<b>Third Party accident – see note 6</b>		
Is absence caused by an accident involving a third party?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Are you considering claiming for damages?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If yes, get an Indemnity Form from your Departmental Staffing Officer		

**Declaration**

I understand that giving false information may result in my sickness pay being withheld and disciplinary action taken against me.

I declare the information provided is true, and is accurate to the best of my knowledge.

<b>Employee Signature:</b>	<b>Date:</b>
<b>Line Manager Signature:</b> I confirm that I have carried out a return to work interview.	<b>Date:</b>

Please Return the completed self-certification from to your employer via email [HRAdmin@reach2.org](mailto:HRAdmin@reach2.org), marked 'confidential'

## Guidance to complete the sickness absence form

**Q. What is the first day I should enter for 'First day, date and time of absence – include non-work days'?**

A. Include non-work days as these are used when calculating SSP payments. They are not used for calculating our trigger points. For example, if you work Monday to Friday and are unable to attend for work on Monday due to sickness. If you were well on Sunday but not on Monday, the first day of absence should be shown as Monday. If you were unwell on Sunday as well as Monday show the first day of absence as Sunday.

**Q. What is the last day I should enter for 'Last day, date and time of absence – include non-work days'?**

A. This is not your first day back at work. Include non-work days as these are used when calculating SSP payments. They are not used for calculating our trigger points. For example, if you work Monday to Friday and return to work on Monday following sick absence from the previous week. If you were well on the Saturday, although you did not return until the Monday, the last day of absence should be shown as Friday. If you were unwell on Saturday and Sunday, but were well on Monday, show the last day of absence as Sunday.

**Q. If I work Monday to Friday and my sick absence goes over a weekend I know how to fill the form in but what is recorded?**

A. Payroll includes Saturday and Sunday in the total number of days when calculating SSP entitlement. For attendance management purposes Saturday and Sunday are not counted

**Q. What is an industrial injury?**

A. An personal injury arising out of and in the course of employed work. This includes an injury caused by accidents, incidents of abuse, aggression and violence, and those due to prescribed industrial disease and injuries, such as asbestosis and occupational deafness, contracted while working. Contact your Health and Safety Officer for advice.

**Q. When do I need a medical certificate?**

A. You must get a medical certificate if your sick absence lasts longer than seven days, including non-work days. For example, if you work Monday to Friday, and are sick from Monday, you need a medical certificate if you are still sick on the following Monday.

**Q. How do I get further help and information?**

A. All information you need will be in the Managing Sickness Absence policy which is on the REAch2 website, if you need further guidance please email the HR team or your contact your regions HRBP.

## Consent Form for Occupational Health Assessment

You have been referred for an Occupational Health assessment for advice to be provided on how your health and work interact. The use of personal sensitive information is regulated in law by the Data Protection Act 1998 and covered by the ethical requirements of the General Medical Council/Nursing & Midwifery Council, therefore this form assists in compliance with these requirements. The Access to Medical Reports Act 1988 does not apply in relation to this Occupational Health assessment as the professional who examines you is not responsible for your clinical care; instead the professional is acting as an independent medical/nurse adviser.

### Section A: Employer's Details

Name of Company:	
Name of referrer:	
Reason for referral (Please delete as appropriate): 1. Pre-employment 2. Management/HR Referral 3. Other (please state):	

### Section B: Employee's Details

Title:	Forename(s):	
Surname(s):	Date of Birth:	
Job Title:	Home Telephone number:	
	Mobile Telephone number:	
Address:		Postcode:

## Section C: Employee's Consent

### Part 1:

I can confirm that the nature and purpose of this assessment has been explained to me. I fully comprehend that the assessment may include a physical examination and/or additional tests if necessary and, if required, the nature and purpose of which will be explained to me at the time of assessment. I agree to undergo this consultation for the purposes of a report being prepared by the occupational health adviser/physician, including recommendations about my fitness for work. I understand that in some rare circumstances information may have to be released without my consent, e.g. if the safety of others may be at risk or if required in law.

Employee Signature:	Date:
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### Part 2:

I give my consent for an occupational health report to be supplied in confidence to my employer. The report will only include limited, relevant information about my medical conditions. I understand that I shall be sent a copy of the report at the same time as it is sent to my employer unless I express otherwise.

*If you wish to have access to the report before it is sent, your employer will be advised of this.*

I expressly consent that I **do/do not\*** wish to have access to the report before it is sent to the commissioner of the report.

(\*please delete as appropriate)

Employee Signature:	Date:
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### Part 3:

I wish to receive a copy of the report at the same time as it is sent to the commissioner of the report.

Employee Signature:	Date:
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