

Supporting Attendance Policy

OUR TRUST PRAYER

Heavenly Father,
Let peace, friendship and love grow in our schools.
Send the Holy Spirit to give
excellence to our learning,
love to our actions and
joy to our worship.
Guide us to help others,
so that we may all
Learn, Love and Achieve, Together with Jesus.
Amen

Supporting Attendance Policy

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1.0 Purpose

- 1.1 Liverpool Diocesan Schools Trust is committed to promoting the health, safety and wellbeing of its entire staff and will support and assist individuals who may have health difficulties. As part of this aim it is essential that throughout the organisation, all staff and managers are committed to achieving the lowest possible level of colleague absence.
- 1.2 We recognise the benefits of a healthy workforce and value the contribution that our employees make through regular attendance in ensuring effective running of our Trust and its schools. Each absence is unique and will be dealt with in a sensitive, fair, and confidential manner, with decisions made based on the information available at the time.
- 1.3 The Trust will:
- provide appropriate support to help staff to return to work after illness, for example through a phased return, counselling, occupational health, reasonable adjustments and in some cases redeployment.
 - tackle issues which may result in absence due to work related stress or dignity at work issues.
 - encourage attendance and monitor absence & the cost of sickness absence.
 - work with unions and health and safety representatives to identify actions and preventative measures to promote the health, safety, and wellbeing of staff; and
 - provide coaching and training for managers dealing with sickness absence issues.
- 1.4 The aims of this procedure are to:
- provide a framework to support employees who are unable to work due to illness and assist them back to work as quickly as possible.
 - give employees appropriate support to improve attendance where necessary.
 - reduce the impact on other work colleagues when covering for employees who are absent due to illness; and
 - secure the attendance of employees in order to minimise the cost and effects of sickness absence on educational delivery.
- 1.5 Schools/The Trust are responsible for monitoring staff absence and for developing supportive strategies to tackle underlying causes of staff absence.
- 1.6 Supplementary guidance is provided in the document "Supporting Attendance – Guidance for Managers".

2.0 Applicability

- 2.1 This procedure applies to all employees of the Trust, whether permanent or on a temporary / fixed term contract. It does not apply to agency workers, contractors, or volunteers.
- 2.2 The sickness absence procedure applies to absence due to personal sickness or injury. It does not apply to out-patient appointments or to absences connected to the illness of relatives. Formal action under this procedure in respect of a pregnant employee, an employee whose absence is directly attributable to an accident or incident at work¹, an employee who is known to have a condition defined as a disability under the Equality Act, or an employee with a terminal

illness should not be taken without first seeking advice from Human Resources.

3.0 Roles and responsibilities

3.1 Headteachers, Governing Bodies and the Director of the Trust for central team members have primary responsibility for the health and well-being of staff and the day-to-day management of attendance at work. The Headteacher/Director of the Trust may choose to delegate some of the following responsibilities where this is appropriate:

- Ensuring staff are aware of this policy.
- Managing attendance on a day-to-day basis and ensuring that sickness absence is recorded accurately and sent to payroll.
- Handling absence problems promptly and sensitively. Intervening at an early stage to actively support a member of staff showing signs of ill health, to prevent deterioration in their health and a long-term absence. Sign-posting staff to other appropriate services such as Access to Work & counselling services.
- Encouraging and supporting employees to maintain good attendance levels through good management practice, including return to work discussions.
- Ensuring that sickness absence is managed appropriately in accordance with this procedure, and with advice from Human Resources and Occupational Health (or other appropriate services) where required.
- Making reasonable adjustments to an individual's job or workplace to help them to return to or remain at work, particularly in accordance with any identified disability.

Employees are responsible for:

- Familiarising themselves with and ensuring that they comply with this procedure, including undertaking actions / attending appointments agreed as part of a support plan.
- Reporting absence in a timely manner, by telephone, in accordance with this policy.
- Alerting their manager / Headteacher to:
 - any work-related issues that may be contributing to their ill-health and/or absence.
 - any medical conditions which might put themselves, pupils, other members of staff at risk.
 - any work-related accident, incident or injury, and making an entry in the accident reporting book.
- Gaining agreement from their Line Manager before undertaking any form of secondary employment whilst off sick.

¹ Reporting of these situations is outside the scope of this policy: please refer to Health & Safety guidance on

accidents, industrial injuries or occupational diseases, in particular those which may be reportable under RIDDOR.

The Trust will use Occupational Health to provide independent occupational medical advice on employee health-related matters. The purpose of the advice is to help the management of the Trust and school take informed decisions on health matters and to support employees who may be experiencing health issues. An employee may ask to be referred to Occupational Health, or a referral may be requested by management.

The types of situation, when a referral could be made to the Occupational Health Provider may include (although not limited to) advice sought on:

- the health of an individual on long term sickness absence and actions to support their return to work.
- the health of an individual where their level of sickness absence is affecting their performance at work.
- supporting an individual with any health concerns.
- supporting an individual with a disability and making adjustments to their job/environment.
- pre-employment health checks.
- medical redeployment and ill health retirement.

Employees will have the right to give their written permission for Occupational Health to request a medical report from their doctor. Employees will also be informed of what will be included in an Occupational Health report and be given opportunity to comment, before it is released to the employer.

3.3 The role of Human Resources (collectively: in-school HR management & administration and external HR support) is to support the management of the Trust and school by:

- advising on the Supporting Attendance Procedure and best practice relating to supporting employee health & well-being.
- advising on making Occupational Health referrals.
- advising hearings on procedural matters.
- advising management on individual cases and give advice on measures/tools for managing absence.
- monitoring the implementation of this policy and advising managers on implementation to encourage fair management of sickness absence across the Trust.

4.0 Principles

4.1 The Trust will ensure that sickness absence is effectively monitored by managers and that action is taken to support employees who are absent from work to return to work and/or improve their attendance.

4.2 The Trust will ensure that every employee is treated fairly and with respect, and that confidentiality is maintained. Where necessary, reasonable adjustments will be made to enable

employees with disabilities to maintain good attendance levels and to comply with the requirements of the Equality Act.

- 4.3 Throughout this procedure the Trust assumes that ill health is genuine unless there is evidence to the contrary, the reason for taking action will therefore relate to the capability of an employee and will not be because of their illness. Capability is defined in Section 98 (3)(a) of the Employment Rights Act 1996 as follows: "capability, in relation to an employee, means his (cap)ability assessed by reference to skill, aptitude, health or any other physical or mental quality."
- 4.4 Where there are concerns about an employee's attendance this procedure provides a framework for the employee to be advised of these concerns, and to have the opportunity to discuss the situation and present relevant information before any decisions are made.
- 4.5 The absence indicators contained in this procedure set out a guideline for when informal or formal action may be required. Where an indicator is reached the line manager will take into account any relevant factors in particular any disabilities, pregnancy related illnesses, any absence arising from an accident, injury or assault at work and the employee's previous absence record – before deciding on a course of action to take. If a meeting is not convened when an indicator is reached the line manager will make a record of the reasons why. If a meeting is not held when the indicator is first reached, it will not preclude the manager convening such a meeting at a later date if s/he has concerns about the continued level of sickness absence.
- 4.6 The employee will normally be given at least 10 working days' notice of all formal meetings under this procedure. Wherever possible, meetings will be held at a mutually agreed time, date and venue. All parties must ensure that there are no unreasonable delays to the process.
- 4.7 The employee will have the right to be accompanied by a trade union representative or work colleague at all formal meetings/hearings under this procedure.
- 4.8 If there are any language or disability issues affecting the employee or his/her representative, these will be reasonably addressed so that any formal proceedings can take place fairly.
- 4.9 Information relating to formal proceedings and medical conditions will be kept confidential as appropriate.
- 4.10 The timescales within this procedure may be amended by mutual consent.
- 4.11 Unauthorised absence, failure to observe the requirements of sickness absence reporting or misuse of the Trust's sick pay scheme will be regarded as possible misconduct and may lead to disciplinary action.
- 4.12 The Trust will pay sick pay in line with national terms and conditions for teachers (Burgundy Book) and support staff (Green Book) (Except in circumstances where enhanced terms protected under TUPE apply).

5.0 Reporting sickness absence

- 5.1 Each school is responsible for ensuring that their staff are aware of how they should report absence.

- 5.2 An employee who is unable to report for duty must notify their school/line manager by telephone and speak to the nominated person, as soon as reasonably practicable but no later than 1 hour before the time that he/she would normally start work. If the employee is unable to speak to the nominated person, they must leave a contact number so that they can contact them at another time.
- 5.3 The employee should normally inform the nominated person of the absence themselves, giving:
- the reason for the absence
 - the estimated duration of absence
 - confirmation of contact details
 - whether the absence is a result of an accident, injury or assault at work.

In the exceptional situation that the employee is unable to report sickness absence themselves, s/he should ensure that someone else notifies the school on his/her behalf.

- 5.4 Where the sickness absence continues the employee will contact his/her manager as agreed. Arrangements for contact should be agreed relative to the circumstances. For example, if it is a minor illness and a quick return is expected then daily contact may be appropriate, particularly where there may be a day to day requirement to organise cover arrangements; however, if it is clear from the outset that the absence will be longer term then weekly or fortnightly contact may be more appropriate to maintain communication.
- 5.5 Where the employee fails, without prior agreement, to contact their manager as stated in this procedure, or in accordance with local arrangements, the manager may contact the employee.
- 5.6 If no contact has been made within 1 working day of the start of an absence and the school has been unable to contact the employee directly, in the interest of the employee's safety and welfare the manager may contact the employee's next of kin.
- 5.7 If an employee becomes unwell during a working day and needs to leave before his/her normal finish time they should notify their line manager. Where an employee goes home part way through a working day, the absence will not be recorded. The first full day of absence after this will be recorded. Persistent incidences of part day absences will be monitored and may be addressed under this procedure where this causes concern.
- 5.8 **For absences of more than seven calendar days**, a "statement of fitness for work" (fit note) is required (see **Annex 1**). It should be received by the manager by no later than the eighth day of absence. Doctor's fit notes will only be accepted for sick pay purposes from the date that they have been signed. Employees should ensure that their fit notes are continuous (i.e. there are no gaps in the dates) and must provide an explanation if this is not the case. Fit notes should normally be received by the manager within 3 working days of the expiry of the previous note to ensure that the payment of occupational sick pay is not affected.
- 5.9 Sickness during holidays:
- If employees are sick on a public / bank holiday they will not qualify for time off in lieu, at a later date.
 - If year-round employees are sick whilst taking annual leave, the absence will be classified

as sickness subject to the following criteria:

- The manager / school must be informed at the time of sickness, and not after the period of annual leave, and
- A medical certificate must be produced regardless of the length of the absence.

Teachers:

- Holidays and weekends do not count against the sick leave entitlements set out in the Burgundy Book, only the 195 working days are counted. Teachers absent due to sickness continue to receive full or half pay, as appropriate, through weekends, half-term breaks, bank holidays and the longer Christmas, Easter, and summer breaks; however, these periods do not count against their sick leave entitlements. Teachers whose sick leave extends into the school holiday must continue to submit fit notes by posting them to school, even though the school may be closed.

6.0 Returning from sickness absence

- 6.1 A Return to Work discussion should always be held with an employee on their return to work from sickness absence at the earliest opportunity, and usually by the end of the first day back at work. This should be a brief meeting and should be conducted in a private area. Whilst this discussion would usually be with the employee's manager, sensitivity should be shown around personal information and who the employee feels comfortable talking to about it. If appropriate, the discussion can take place with another appropriate person (e.g. of the same gender).

The purpose of this discussion is to:

- welcome the employee back, and check that they are fit to be at work.
- explore any actions required to support the individual back to work, or to help prevent further health issues arising (ensuring that support is offered at the earliest possible opportunity).
- update the employee on work matters as necessary.
- identify if an individual workplace risk assessment needs to take place.
- ensure that the absence is correctly recorded.
- inform, if appropriate, that further action is required.

- 6.2 At the return to work discussion the manager and employee should complete a return to work / self- certification form (see **Annex 2**). This form should be completed for all periods of absence regardless of length (even for periods that are covered by a GP's fit note' – see below) to ensure that accurate records are maintained. This form also acts as a self- certification form for those absences requiring one and should be retained on the employee's personal file.
- 6.3 Each school is responsible for putting in place a local operational process to ensure that return to work / self-certification forms are completed and returned to the school office, so that accurate personnel and payroll records can be maintained. All records should be stored confidentially and securely on the individual's personal file, and in accordance with the data protection act.
- 6.4 All absences in excess of seven calendar days must also be covered by a fit note from a GP or a hospital. A copy should be retained on the employee's personal file and the original returned to the employee.

- 6.5 The manager should consider whether or not the employee is well enough to return to work. The employee does not need to have a statement from the doctor that they are fit for work, although where there are concerns particularly of a safety nature then the manager may advise the employee to obtain a private statement from the GP in which case any costs should be met by the school/Trust.
- 6.6 Where a GP or Occupational Health indicates that an employee 'may be fit for work' with possible recommendations the manager should assess whether it is possible to meet these recommendations in order to assist the employee with returning to work. If they have concerns about implementing the recommendations, advice should be sought from HR. If it is not possible to accommodate the recommendations, then the employee may need to remain off sick; a record of the reasons for this decision should be retained and shared with the employee. It is recommended that, if the employee is a member of one of our recognised trade unions, their union rep is involved at this stage.
- 6.8 It may be necessary to temporarily suspend an employee from work on the grounds of ill health in the following circumstances:
- in the opinion of Occupational Health, the employee is unfit for work, but the employee is declaring themselves fit or being declared fit by their own doctor.
 - An employee is unwell or has a condition which causes the line manager concern and might present a risk to the employee or to others.
 - If the employee is pregnant and there is a health and safety risk to the employee or their baby and the school/Trust cannot provide a reasonable and safe alternative to their role.
- Ill-health suspension is the Headteacher/CEO's decision. During any period of medical suspension an employee will receive their normal rate of pay. Ill Health suspension is not a disciplinary suspension. Advice should be sought from HR and Occupational Health prior to making a decision to suspend an employee due to ill health.
- 6.9 Providing the employee has complied with any request to provide a fit note or to attend OH, the employee will be paid full pay if suspended. If an employee does not seek advice from their GP or the GP provides a fit note confirming unfitness for work, Occupational or Statutory Sick Pay will be paid in accordance with the employee's sick pay entitlement.
- 6.10 The Headteacher is responsible for ensuring that payroll are notified of all absences, and that local records are maintained for reporting purposes. All records should be stored confidentially and securely on the individual's personal file, and in accordance with GDPR

7.0 Informal Monitoring/Action

- 7.1 Short term, frequent or recurring patterns of absence
- Headteachers and line managers are responsible for monitoring absence levels, and in cases where short term, frequent or recurring patterns of absence have not yet met an absence indicator but are a cause for concern, the approach should be:
Review: To take place after each period of sickness absence during the Return to Work meeting.
Support: If the absence(s) is/are potentially related to an underlying medical condition OR is cause for concern (e.g. work-related stress) an Occupational Health referral may be made prior to further action.

Action: If following the review and support stage (where relevant) the absence remains a cause for concern, then the case should be managed as documented within this policy.

- An employee's manager can take informal action by meeting with the employee to highlight the concerns and discuss their absences, and any steps that could be taken by either party to help facilitate the employee to maintain good attendance. The manager may also bring to the employee's attention the Trust's Supporting Attendance Policy and the possible consequences of further absences.

7.2 Long term absences

- In the case of long term absences that last (or are expected to last) four weeks or more, Headteachers and line managers should arrange to meet with the employee after four weeks (or prior to this if an earlier intervention would benefit the employee, for example where the absence is linked to stress or depression) This will normally be a meeting on school premises, a home visit or at a neutral location and should be to discuss the circumstances of the absence, identify support measures and agree a means of keeping in touch. It may be helpful for a trade union representative to be present at any meetings, although this is not a right or requirement at this stage.
- If absence continues, the three-stage process set out below should be followed, bearing in mind that these meetings should be supportive with a focus on the welfare of the employee and the support that can be offered to enable them to return to work

7.3 Although good practice, it is not mandatory to have gone through a process of informal action prior to commencing formal action.

8.0 Approach to Supporting Mental Wellbeing

- 8.1 The Trust aims to create and promote a workplace environment that supports and promotes the mental wellbeing of all employees. We acknowledge that certain working conditions and practices can negatively affect employees' mental wellbeing, including aspects of work organisation and management, and environmental and social conditions that have the potential for psychological, as well as physical harm. As an employer the Trust aims to create and promote a culture where employees are able to talk openly about their job and mental health problems and to report difficulties without fear of discrimination or reprisal. The Trust wishes to ensure that individuals suffering from mental health problems are treated fairly and consistently and are not made to feel guilty about their problems.
- 8.2 The Trust will ensure that its managers are appropriately trained to support colleagues who may be suffering from poor mental health, offer employees flexible working arrangements that promote their mental wellbeing and give all staff the opportunity to influence how they do their jobs.
- 8.3 Managers should deal sympathetically with staff suffering from mental health problems due to circumstances outside the workplace, and who consequently find it difficult to do their jobs properly and encourage staff to consult the Occupational Health service, or their own GP where appropriate.

9.0 Disability-Related Absence

9.1 Where a colleague has sickness absence due to a diagnosed or suspected disability, an immediate referral should be made to Occupational Health.

9.2 Occupational Health will advise if a colleague should be considered as having a disability and whether any reasonable adjustments should be made for the colleague. The absence indicators in this policy may be extended based on Occupational Health advice, for example, a Stage One meeting may be triggered following 4 absences in 4 months instead of 3 absences in 4 months as indicated below.

10.0 Formal action - Stage One Meeting

10.1 A formal absence review meeting will normally be organised when an employee's absence reaches a level of concern in line with one or more of the following:

- Total sickness absence exceeding 3 weeks, or three or more separate absences, in any four-month rolling period.
- A pattern of absence that is a cause for concern, e.g. Fridays and/or Mondays, before or after Bank Holidays or school closure periods.
- A period of long-term sickness of more than 4 weeks where the return to work date has not been specified or is of concern to the line manager.

10.2 The purpose of these indicators is to alert the Headteacher/manager to undertake a formal review of an employee's record of absence and assess whether further action is necessary, following full consideration of each individual's circumstances and the nature of their absences.

10.3 Modification of these indicators may be considered when reviewing an individual's personal circumstances (for example, as a reasonable adjustment under the terms of the Equality Act).

10.4 If a formal meeting is not held when the indicator is first reached, it will not preclude the manager convening such a meeting at a later date if he/she has concerns about the continued level of sickness absence.

10.5 The purpose of the meeting will be to:

- Examine the reasons, pattern and nature of the absence(s).
- Examine whether there is an underlying cause or condition and the prognosis of this if known.
- Decide whether further information needs to be sought either from the employee's doctor or a referral to the relevant occupational health provider.
- Give the employee the opportunity to discuss any problems or raise any concerns.

- Consider reasonable adjustments if the absence is related to a disability, or support measures where they would assist the employee in reducing his/her sickness absence and/or making a successful return to work (**see section 11** on phased return).
 - In the case of **short-term absence**, set a target for improvement and a period over which absence levels will be monitored, normally 10 working weeks. When setting targets for improvement, managers must take into account the individual circumstances of any case, medical advice received and the impact of any disability.
 - In the case of **long-term absence**, agree when a next review will take place, reasonably taking account of any medical or occupational health appointments that may assist the discussion.
 - If appropriate, notify the employee that if their attendance does not improve to the required level or they are unable to return to work that this may ultimately lead to their dismissal.
 - Inform the employee they will receive a letter to confirm the outcome of the discussion.
 - Where there is concern about the reason for absence, or frequent short-term absences, the improvement plan may request that evidence is provided that the employee has sought medical advice for all absences regardless of the length of absence (e.g. appointment card from GP surgery, or fit note); although the impact on NHS resource of including this should be seriously considered.
- 10.6 The employee will be given at least 10 working days' written notice of the meeting (unless the employee agrees in writing to less) and will be reminded of their right to be accompanied.
- 10.7 In the case of long-term absence where the medical advice indicates that the employee will be unable to return to their role, redeployment should be considered (**see section 11**). If there is no suitable alternative role, and where there are no reasonable adjustments that can be made, the employee may request in writing that stage two be omitted, and that action move directly to stage three.
- 10.8 A representative from HR may attend the meeting to provide procedural advice, but they are not required to do so.
- 10.9 The outcome of the meeting must be confirmed in writing to the employee within 5 working days. This should include the improvement expected, the monitoring period, support to be given / actions to be taken, and a reminder that failure to reach the required level of attendance could lead to dismissal.
- 10.10 Identified actions should be implemented as soon as possible.
- 10.11 Interim review meetings may be held during the monitoring period to check that actions / support are taking place as agreed.
- 10.12 In the case of short-term absence, if the employee fails to meet the specified attendance target, the next stage of the procedure will be implemented immediately – it is not necessary to wait until the end of the monitoring period. A stage one review meeting may be "rolled in to" a stage two meeting, as long as appropriate notification procedures are followed (see section 10).

10.0 Formal action – Stage Two Meeting

10.1 Where a decision is taken to hold a Stage Two Meeting, the employee should be given at least 10 working days' written notice of the meeting and should be reminded of their right to be accompanied.

10.2 The purpose of the Stage Two meeting is to:

- Review the employee's attendance during the relevant period.
- Review the steps that have been taken to support him/her in achieving the required level of attendance or a return to work.
- Give the employee the opportunity to discuss any problems or raise any concerns.
- Discuss any medical advice that has been received; and decide whether any further medical information is required.
- Give further consideration to reasonable adjustments or other actions / support measures where they would assist the employee in reducing his/her sickness absence and/or making a successful return to work, including redeployment (see Section 12).
- Set a target for improvement and a period over which absence levels will be monitored. When setting targets for improvement, the manager will need to take into account the individual circumstances of any case, medical advice received and the impact of any disability.
- In the case of long-term absence, agree when a next review will take place, reasonably taking account of any medical or occupational health appointments that may assist the discussion.
- Remind the employee that if their attendance does not improve to the required level or they are unable to return to work that this may lead to their dismissal.
- Inform the employee that they will receive a letter to confirm the outcome of the meeting.

A representative from HR may attend the meeting to provide procedural advice, but they are not required to do so.

- The outcome of any meetings held under Stage Two must be confirmed in writing within 5 working days. This should include the improvement expected, the monitoring period or details of the next planned review meeting, support to be given / actions to be taken, and a reminder that failure to reach the required level of attendance could lead to dismissal.

10.3 Interim review meetings may be held during the monitoring period to check that actions / support are taking place as agreed.

- 10.4 If the employee fails to meet the specified attendance target, the next stage of the procedure will be implemented immediately – it is not necessary to wait until the end of the monitoring period.
- 10.5 In cases of long-term absence where the employee is not expected to be fit to return to work within a reasonable timescale, and steps taken at stages one and two have not been successful in securing a successful return to work the manager should consider whether redeployment could enable the employee to make a successful return to work. The manager should discuss this with the employee. Where redeployment will not enable the employee to successfully return to work, or if the employee is not willing to consider redeployment, the manager should consider moving to formal Stage Three Dismissal Hearing.
- 10.6 Where an employee returns to work following a long-term absence, and subsequently has a further period of long-term absence connected with the first within the next 12 months, it may be appropriate to continue the management of the absence at the stage previously reached, giving particular consideration to any absences that may relate to a protected characteristic, such as disability, or gender.
- 10.7 Attendance concerns, whether a result of short or long term sickness absence, should be dealt with and considered as a whole. Where there is a re-occurrence of absence (either long, or repeated short term or combination of both) within 12 months of Stage 2 then consideration will be given to the steps already taken under this procedure, in the management of the absence. Particular consideration must be given to any absences that may relate to a protected characteristic, such as disability or gender.

11 Phased Return to Work

- 11.0 A phased return to work may be used as a way of supporting employees to return to work following a long-term period of absence and may form part of a reasonable adjustment for an employee with a disability.
- 11.1 A phased return to work must be agreed between the manager and the employee. It should take account of what is possible for the school/Trust to accommodate based on how it might impact on operational needs as well as the individual employee's circumstances and what would be appropriate support for the individual in returning. Further advice on the type of phased return required may be sought in advance from Occupational Health.
- 11.2 The exact length and nature of the phased return will be determined on a case by case basis taking into account the length and nature of the preceding absence and the relevant medical evidence / Occupational Health advice. Although there may be exceptions when a shorter or longer period is agreed, the usual duration is around four weeks.
- 11.3 The school/Trust will normally only be able to support one phased return to work per individual employee in any one academic year. Any exceptions to this should be discussed with Human Resources.
- 11.4 Employees will receive pay for their normal contracted hours during the phased return period, any days or hours not worked will not be counted as sickness absence.
- 11.5 If the employee is unable to return to their normal contracted hours by the end of the agreed

phased return period, then a review of the situation will be required which might determine:

- The employee is not ready to return to work and therefore will be absent again from work due to sickness.
- The employee is able to be at work but is unable to fulfil their normal contracted hours, a temporary variation to reduce hours might be agreed between the school and the employee and any pay will therefore be on a pro-rata basis.

12 Consideration for Redeployment

- 12.0 Redeployment should only be considered where it could either help the employee to reach and maintain a satisfactory level of attendance or make a successful return to work from long term absence. Where this is not the case or there is no alternative then the manager will move to stage three and a dismissal hearing will be convened.
- 12.1 Following advice from Occupational Health and/or other independent medical professionals, and with input from Headteacher/Trust Director and with a HR representative, the manager should discuss with the employee the possibility of redeployment taking into consideration the impact of the employee's health on their abilities and the future prognosis. In a school, if appropriate the Chair of Governors and/or the Director of the Trust may be involved depending on the level of the postholder.
- 12.2 There is no requirement to create a role for the employee, however the employee should be considered for suitable vacancies.
- 12.3 Where the employee has a condition that falls under the definition of disability under the Equality Act then steps should be taken to make reasonable adjustments to enable the employee to undertake the vacant role.
- 12.4 Redeployment opportunities will be sought for a specified period, normally no longer than 8 weeks. When redeployment is not found within the specified time a stage three dismissal hearing will normally be arranged. The school will continue to seek redeployment opportunities during the stage three process.
- 12.5 Redeployment on a permanent basis may be considered if a suitable alternative post is vacant within the Trust. In this case, pay will be at the rate for the job; there is no pay protection.

13 Formal action – Stage Three Hearing

- 13.0 The employee will normally be given 10 working days' notice in writing of a hearing. The chair of the hearing will write to the employee to confirm:
- The problem with his/her attendance and the reasons for contemplating dismissal.
 - The date, time and location of the hearing.
 - The name of the person chairing the hearing.
 - The right to be accompanied and/or represented by a trade union representative or work colleague.

- The requirement to provide the chair hearing the case with a copy of the documents that s/he will be relying upon and the names of any witnesses that he/she will be calling at the hearing at least 5 working days before the hearing.
- That an outcome of the hearing could be their employment being terminated.

13.1 Copies of documents that management will refer to at the hearing, and names of any witness that they will call will be included with the notification.

At the hearing both the management side and the employee will be given the opportunity to state their case, call witnesses and ask questions. HR will attend the hearing to provide procedural advice.

13.2 The chair/panel will consider:

- The employee's overall attendance record.
- The impact of the level of attendance on the school / Trust.
- Representations from the employee.
- Whether the reason for the absence(s) falls within the disability provisions of the Equality Act 2010.
- The management of the case.
- Any medical advice received.
- The support / reasonable adjustments considered and/or provided.
- Any further action that can be taken.
- Options for redeployment within the academy or Trust on medical grounds.
- Whether ill-health retirement has been considered.

13.3 The hearing will normally be adjourned whilst the chair/panel hearing the case reaches a decision.

13.4 The outcome of the hearing may be either dismissal on the grounds of lack of capability or alternative action in the light of evidence presented at the hearing. Where an employee is dismissed s/he should be dismissed with appropriate notice. The employee will be notified in writing of the outcome normally within 5 working days and of their right of appeal.

13.5 A postponement may be granted if the employee or their representative is unable to attend on the proposed date. A postponement should not be for more than 5 working days after the original date proposed, however, an extension to this time limit can be made by mutual agreement. Where a hearing is rearranged and the employee is unable to attend a second time, the hearing will normally convene, as arranged, and a decision taken in the employee's absence.

13.6 Termination of employment during a period of sick leave: in the event of an employee exhausting in part or full his/her entitlements to sick pay and being given notice of the termination of his/her contract without returning to work on the ground of permanent incapacity or for some other reason related to the sickness absence, s/he shall be paid full salary for the notice period with normal deductions only.

14.0 Appeals

14.1 An employee is entitled to appeal against a decision to dismiss taken at the stage three hearing.

14.2 The appeal should be on the basis of one of the following grounds:

- The procedure - a failure to follow procedure had a material effect on the decision.
- The decision - the evidence did not support the conclusion reached.
- The penalty - was too severe given the circumstances of the case.
- New evidence - which has genuinely come to light since the first hearing.

14.3 The appeal must be made in writing, addressed to the Chair of the stage 3 hearing, stating the specific grounds for the appeal, within 5 working days of being advised in writing of the decision at any stage.

14.4 The appeal will be heard as soon as possible and not normally later than 6 weeks after being received.

14.5 The employee will normally be given 10 working days' notice, in writing, of the date of the appeal hearing. This notification will give the name of the person chairing the hearing, and the names of panel members. It will remind the employee of his/her right to be accompanied at the hearing by either a trade union representative or work colleague. HR will attend the hearing to provide procedural advice.

14.6 Both parties must indicate at least 5 working days in advance of the appeal hearing which, if any, witnesses they wish to call and provide copies of any documentation that will be relied upon at the hearing. In exceptional circumstances an alternative timescale may be agreed.

14.7 The chair of the dismissal hearing will attend the appeal to present the management case.

14.8 The employee will be able to present evidence that is directly relevant to the grounds of the appeal. Management will have the opportunity to respond.

14.9 The appeal hearing may confirm or overturn the decision or may recommend some alternative action.

14.10 The employee will be informed of the appeal decision in writing, normally within 5 working days. The decision of the appeal hearing is final.

15.0 Authority to Act Under this Procedure

	Informal discussions on sickness absence and returning to work	Stage One & Stage Two Meetings	Stage Three Hearing	Appeal against dismissal
All school-based employees except those listed below	Headteacher (who may delegate responsibility to line managers, or another appropriate person within their school, either on an ad hoc basis or via local operational procedures)	Headteacher (who may delegate responsibility to a colleague)	Panel of three made up of two from the LGB and one representative of the Trust.	Panel of three made up of two from the LGB and one representative of the Trust.
Headteacher	Chair of Governors and/or Director of the Trust	Chair of Governors and/or Director of the Trust.	Panel of three made up of two members of the LGB and at least one member of the Trust Board of Directors.	Panel of three from the Trust Board of Directors.
All central team employees except Chief Executive Officer	Line manager	Line Manager	Panel of three, including at least one member of the Trust Board of Directors	Panel of three from Trust Board of Directors
Chief Executive Officer	Chair of the Trust Board (or nominated delegate)	Chair of the Trust Board (or nominated delegate)	Panel of three from the Trust Board	Panel of three from the Trust Board

16.0 Annual Leave and Long-term Sickness Absence

- 16.1 All employees are entitled to a statutory annual leave entitlement of 5.6 weeks (28 days) including bank holidays, pro rata for part time employees.

- 16.2 Teachers and support staff on term-time only contracts are contractually required to be available to work during term time and their statutory annual leave forms part of normal holidays during school closure periods. Entitlement to statutory annual leave is not affected by either paid or unpaid long-term sickness absence. The entitlement to this leave will be offset by any period of school closure that has taken place in the leave year in question i.e. both before and after the sickness leave period.
- 16.3 If an employee has been unable to take all of their statutory annual leave entitlement during the leave year advice should be sought from HR. Where an employee remains in employment with the Trust, any statutory annual leave untaken should be carried forward and taken in the school closure periods in the following year.
- 16.4 Where an employee who works on a full-year basis has had an extended period of sickness absence and be unable to take their full annual leave entitlement in the current leave year as a result, they will be able to carry forward the balance to the next leave year up to a maximum of 20 days (pro-rata) – 28 days statutory entitlement, minus 8 days bank holiday.
- 16.5 It is not possible for the employee to decide to carry over the statutory entitlement into the next leave year, if there is time for it to be taken in the current leave year. It is also not possible to receive payment in lieu of the untaken entitlement unless the employee does not return to work after the period of sickness absence and the contract of employment ends.

17.0 Failure to comply with the Supporting Attendance Procedure

- 17.1 Unreasonable failure to comply with the Supporting Attendance Procedure may result in disciplinary action being taken and sick pay being withheld.
- 17.2 This includes, but is not limited to:
- Unreasonable failure to attend Occupational Health appointments.
 - Failure to submit medical certification where this is required under the Trust procedure.
 - Failure to make and remain in contact with line manager during absence.
 - **Unreasonable** failure to attend any meetings or hearings organised in connection with the Supporting Attendance Procedure
- 17.3 In exceptional circumstances whereby employees unreasonably fail to attend meetings or hearings under any stage of Supporting Attendance Procedure, these meetings can be held, and decisions made in their absence, based on the information available at the time of the meeting, provided that all other avenues of contact have first been explored.

18.0 Records

- 18.1 Records of absence management meetings, including appeals hearings, will be kept and remain on file as part of the employee's overall record of employment. These records will be kept confidential and retained in accordance with the General Data Protection Regulations and Freedom of Information Act, which require the release of certain data to individuals on their request.
- 18.2 In accordance with paragraphs 10.8 and 10.9 of this policy, the records of previous meetings will generally be disregarded if the improvement in attendance is sustained for a minimum of

12 months. However, there may be exceptional circumstances, such as a recurring pattern of absence over several years, when it is appropriate to revisit older records. In these circumstances advice should be sought from the Trust's HR provider.

- 18.3 Records will be retained for six years after employment ceases, after which time they must be destroyed as confidential waste.

19 Review

- 19.1 This procedure will be reviewed to respond to any changes in the employment legislation, and at least every three years, in conjunction with the Trust's recognised trade unions.

Annex 1

Statement of Fitness for Work (“Fit Note”)

Fit notes tell you whether or not the employee’s Doctor thinks they are fit to attend work. They will normally advise that the employee:

- Is not fit for work, where the medical opinion is that the employee should refrain from undertaking their duties, or
- May be fit to work, taking in to account their advice which may include recommendations such as phased return, altered hours, amended duties or workplace adaptation.

Phased return: this may be suggested if the Doctor feels the employee would benefit from a gradual increase in their duties and/or hours. This can be helpful as someone gradually rebuilds their capacity / strength following a prolonged absence.

Altered hours: a doctor may recommend this if they feel the employee will benefit from a chance to the hours they normally work, in order to help them return to work. This does not necessarily mean fewer hours. This may help someone who is still receiving treatment to return to work with an earlier or later start or finish time.

Amended duties: a doctor may recommend this if they feel the employee could return to work if some temporary amendments were made to their duties. For example, swapping some duties of a role with a colleague for a few weeks to reduce the amount of lifting & carrying involved.

Workplace adaptations: this may be suggested if the Doctor think an early return to work could be facilitated by adapting the workplace, for example arranging a temporary ground floor work location for an employee with reduced mobility post-surgery.

If you receive a Fit Note you need to have a discussion with the employee as soon as possible, and ideally before they return to work (or alternatively as part of a return to work meeting), so that you can discuss the Doctor’s recommendations.

The Fit Note is advisory only. The recommendations are considered to be temporary measures, and where possible they should be accommodated for an agreed timescale. If it is not possible to accommodate them, the reasons for this should be explained to the employee, and the statement should then be treated as if the doctor had advised the employee was not fit to work.

Where an employee requests a return to work before the fit note expires there is no requirement for an employee to get confirmation that they are fit to be in the workplace from their doctor. However, their return is subject to the approval of the academy. Where such a request is received, consideration should be given to carrying out a workplace risk assessment – and if there are any concerns about the employee returning to work then Occupational Health advice should be sought.

Further advice and information on fit notes can be found here:

<https://www.gov.uk/government/publications/fit-note-guidance-for-employers-and-line-managers>

Annex 2

Return to Work Form / Self-Certificate – Record of Sickness Absence

This form must be completed for all sickness absences, regardless of duration

Name	
Payroll Number	
Job Title	
Start date of absence	
Date of return to work	
Number of working days absent	
Reason for absence (please give details of symptoms or injury, saying "unwell" or "illness" is not sufficient)	
Was medical advice sought? (if so, please give detail e.g. date & place, and what was advised)	YES / NO
Are you receiving any ongoing medication, treatment or support?	YES / NO
Was the absence related to an accident or injury at work, or other workplace factors? (give details as appropriate)	YES / NO
Was the absence related to a disability? (give details as appropriate)	YES / NO
Does the employee feel fit to return to work?	YES / NO
For absences over 7 calendar days, has a fit	YES / NO / Not Applicable

from a GP or hospital been provided? (please attach a copy to this form, and note any actions recommended)	
Are any arrangements required to support the employee's return to work? (if so, please use the space below to give details)	YES / NO
Have arrangements been made to update the employee on work issues they may have missed?	YES / NO
<p>Agreed actions: please use this space to:</p> <ul style="list-style-type: none"> state any support that is being offered to employee and/or actions that are to be put in place as a result of the employee's absence record any other relevant information about the absence which has not been captured above 	
Has the employee met one of the following indicators which could prompt a formal review meeting (please tick, underline or highlight)? If so, please refer to the Supporting Attendance Policy for guidance.	
3 absences in a 4-month rolling period	Total of three weeks absence in a rolling 12-month period
	A pattern of absence that is a cause for concern

I have read and agreed the notes above, and understand that the information on this form can be used for sickness absence monitoring purposes. I declare that I have not undertaken any other form of secondary employment during this period of absence (unless otherwise agreed with my line manager). I am aware that a poor attendance record may result in action being taken under the Trust's Supporting Attendance Policy.

Employee's signature:	Date:
Manager's signature:	Date:

Review Schedule

Policy Author	Trust HR Manager (THM)
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