

Concordia Multi Academy Trust

Absence Management Policy

This Policy is based on the Cheshire West & Chester Schools Human Resources Absence Management Policy.

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1.0 SICKNESS NOTIFICATION

- 1.01 In order for the school to function effectively, it is essential for head teachers or line managers to know when a member of staff is unable to attend work due to illness. Failure to follow the school's absence notification protocols may lead to the absence from work being considered as unauthorised. This may lead to possible disciplinary action and may result in the suspension of pay (see 5.0).
- 1.02 The Head teacher and Governing Body are responsible for monitoring the absence of our staff and we will ensure all the relevant data required to manage staff absence is regularly considered.

1.1 First Day of Absence:

- 1.1.1 Staff must make contact with the head teacher on or before the first day of absence as soon as possible and no later than 8am. In exceptional circumstances this time line may be extended. Staff must provide details of the anticipated length of absence and any work commitments that may need re-arranging. As soon as possible on the first day of absence, the member of staff should speak personally to the head teacher to provide details of their illness/symptoms or injury and how and why this is preventing them from attending work. The head teacher will be conscious that some matters may be of a personal or sensitive nature and conduct the conversation accordingly.
- 1.1.2 **E-mails and mobile phone text messages are not an acceptable form of notification of absence unless agreed individually by headteachers.**
- 1.1.3 If the member of staff is unable to telephone in person, they must arrange for someone else to telephone on their behalf, in accordance with the above.
- 1.1.4 If the member of staff does not speak to the head teacher or line manager directly they must leave a telephone number on which they can be called back.
- 1.1.5 If the member of staff believes that their absence may have been caused by something that happened at work, they should inform the head teacher/line manager of this and arrange for the incident to be logged in the School Accident Report Book. A copy must be forwarded to the Health and Safety Team if the staff receives medical treatment; leaves work early or has time off as a result of an accident/incident. Recording in the schools agreed method.
- 1.1.6 The following should be noted:
- The requirement is for the member of staff to make contact. The latest time by which they should ring in and the rules regarding attendance will be made clear at Induction and included in the Staff Handbook or other meetings.

- The purpose of the contact is to find out the reason for the absence and how long the employee (or their GP) considers they will be away, if it is unlikely that the employee will be able to return to work they must get in touch with the Head teacher or line manager to provide an update. The Head teacher will make an immediate OHU referral in cases of mental health issues e.g. stress, anxiety or depression.

- Staff should notify the Head teacher or line manager of any urgent pieces of work and/or meetings that will need attention in their absence.

The Head teacher will inform staff that their colleague is away, respecting any confidences and managing work consequences.

1.1.7 Completing Sickness Absences Notification and Certification Forms fully, accurately and promptly at the start and end of each absence will ensure full and consistent information. **Under the Data Protection Act, all the details of the absence must be kept confidential.**

1.2 Subsequent Days of Absence

1.2.1 If the member of staff is unfit to return to work when they anticipated returning, they must contact their head teacher by 4pm the day before to give an update on their condition. This ensures that head teachers can make arrangements for teaching or other service delivery to be maintained during the period of absence and enables the head teacher to be aware of any concerns relating to the member of staff's welfare.

1.2.2 If this does not happen, the continued absence may be treated as absence without authorisation which may result in disciplinary action and/or suspension of sick pay (see 5.0).

1.2.3 The self certification period lasts for up to 7 calendar days (including the first day) and a fit note must be produced for longer periods.

1.2.4 Staff must agree with their head teacher when they will next make contact and keep them updated regarding their progress towards returning to work.

1.2.5 If it is believed that member of staff has a medical condition that is related to a disability, Cook Lawyers, the Concordia MAT Human Resources Advisors, may be contacted for advice.

1.3 Certification

1.3.1 Every absence has to be covered by the appropriate certificate to ensure prompt and correct payment of occupational and statutory sick pay as well as to ensure that accurate records are maintained. Failure to comply with the certification procedures may result in suspension of sick pay (see 5.0). Misleading or false statements may be dealt with under the School's Disciplinary procedure.

- 1.3.2 A Sickness Absence Notification and Certification form must be completed from day one of any absence.
- 1.3.3 If the member of staff continues to be absent for more than 7 consecutive days (regardless of whether or not these are working days for part-time staff), they must consult a doctor and obtain a fit note which must be forwarded at the earliest opportunity to the school. Alternatively, if a part-time member of staff becomes well again on a non-working day they should notify school that they are now fit so that the records are accurate.
- 1.3.4 The fit note enables GP's to advise the school that the member of staff is either:-
- Fit for work
 - Not fit for work - If the member of staff is too ill to work, the GP will advise this just like the previous sick note.
 - May be fit for some work now - the GP may state 'may be fit for some work now' if they think the member of staff's health condition may allow them to work with the school's support and agreement.
- 1.3.5 Where there is continuing sickness absence the member of staff must submit to the school concurrent fit notes to cover the whole period of absence, which should then be input onto the system, and sent to the Employee Service Centre.
- 1.3.6 Exceptionally, if a head teacher is concerned about the frequency of a member of staff's absence or their reasons for absence, the member of staff may be required to submit fit notes rather than self certificates, from their first day of absence. In such cases the school will meet the cost of any fee charged. This should only be done after consultation with HR.
- 1.3.7 There may be circumstances where a member of staff does not comply with the School's procedure and does not provide a fit note to cover their absence. This may be regarded as unauthorised absence which may result in suspension of sick pay (see 5.0) and may warrant investigation under the School's Disciplinary procedure.
- 1.3.8 Fit notes will be required from a doctor where the member of staff is suffering from a disease that is reportable under regulation 7 of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR).
- 1.3.9 Injury at work – absence of a teacher resulting from an injury at work will be paid in accordance with the provisions of the Burgundy Book and the absence will be managed in accordance with this procedure. For Support Staff, absence counts against a separate entitlement which is same as the normal entitlement i.e. up to 6 months full and half pay depending on length of service. For teaching staff full pay applies (subject to appropriate certification) for a period not exceeding 6 months.

1.4 Maintaining Contact

- 1.4.1 When a member of staff is absent from work due to sickness it is important that contact is maintained between the school and the employee. The head teacher will make an OHU referral for any employee absent for 4 weeks.
- 1.4.2 The member of staff and head teacher should maintain regular contact throughout any period of sickness absence. If either the employee or head teacher feels that direct contact would be inappropriate then advice should be sought from John Cook Lawyers or Occupational Health who may then facilitate contact.
- 1.4.3 If a member of staff is absent from school for more than 6 weeks, the head teacher should invite them into school or arrange a meeting at an alternative venue.
- 1.4.4 The purpose of this meeting is to maintain contact and it should focus on keeping the employee up to date with work news. In exceptional circumstances a representative from John Cook Lawyers may accompany/support the head teacher at this meeting, in which case the member of staff has the right to be accompanied by a work colleague or Trade Union representative.
- 1.4.5 If absence becomes long-term, then regular (usually weekly) contact must be maintained.

2.0 DEALING WITH SHORT-TERM ABSENCE

2.0.1 Return to Work Meeting

- 2.0.2 When a member of staff returns to work following sickness absence the head teacher should conduct a return to work meeting. See **Appendix 3** for further details.

2.1 Stage 1 Absence Meeting

- 2.1.1 If either of the triggers outlined below are met the staff will be required to attend a formal Stage 1 Absence Review Meeting with their head teacher to discuss the matter.

- 10 working days absence in any rolling 6 month period OR
- 3 occasions of absence of at least one day in any rolling 6 month period

NB: Where a member of staff works less than 5 days per week, head teachers/managers may pro rata the working days absence trigger above as appropriate, but the number of occasions trigger will apply to all staff e.g. if an employee works 3 days per week the appropriate trigger would be 6 working days. or 3 occasions.

- 2.1.2 The member of staff will be given a minimum of 5 working days notice of the date and time of the meeting and informed that the purpose of the meeting is to discuss their attendance. The member of staff will have the right to be accompanied by an accredited Trade Union representative or a work colleague at the meeting.
- 2.1.3 The purpose of the review meeting is to discuss the absence record, explore the reasons for absence, identify areas for support, set targets for improvement and clarify what further action may be taken if improvement targets are not met.
- 2.1.4 Along with setting targets , the following outcomes may be considered:
- The employee may be required to submit a fit note from their doctor for every instance of absence (the School will bear any cost associated with this)
 - Advice may be sought from OHU via a Management Referral.
 - Other support mechanisms may be identified and implemented e.g. training.
 - Reasonable adjustments may be identified such as changes to the workload, work practices or work pattern or the possibility of redeployment (subject to OHU advice).
 - A stress risk assessment or a personal risk assessment may be conducted or updated if appropriate
 - Suspension of sick pay may be considered if there is evidence of abuse of the procedure (see 5.0)
- 2.1.5 The headteacher will write to the employee confirming the points discussed, actions agreed and targets set informing them that if their attendance does not improve to the required standard within the agreed timescale, the matter may be escalated to a Stage 2 Absence Review Meeting. A copy of the letter will be retained by the head teacher, placed on the employees personal file and a copy sent to the member of staff .

Stage 1 Review

- 2.1.6 If the member of staff's attendance meets the initial targets in the review period, the head teacher will hold a review meeting and decide, on the individual circumstances of the case, whether to set new targets, continue the targets for a further period or confirm that the formal process is at an end.
- 2.1.7 If the member of staff's absence exceeds the target the head teacher will arrange a Stage 2 Absence Review Meeting as soon as the target is exceeded.
- 2.1.8 **Where a member of staff is advised that they are no longer subject to the procedure, their attendance must remain above the Procedure trigger levels for a period of nine months or they will revert back into the procedure at the stage they were previously at i.e the end of Stage 1.**

2.2 Stage 2 Absence Meeting

- 2.2.1 Assuming that the improvement in attendance has not been reached and the target following a Stage 1 meeting has not been met, then a Stage 2 Absence Meeting will be convened. The employee has the right to be accompanied by a TU representative or work colleague.
- 2.2.2 If appropriate, an Occupational Health report should be sought in preparation for the Stage 2 Meeting.
- 2.2.3 The same criteria will be followed as for the Stage 1 Meeting. A representative from Cook Lawyers may also attend the meeting.
- 2.2.4 The purpose of the meeting will be to:-
- Set further absence targets and timescales.
 - Reaffirm the issues discussed at the Stage 1 Meeting,
 - Consider any additional information from OHU / the employee's GP
 - Identify support provided to the member of staff and what further support may be appropriate e.g. Options to facilitate regular attendance, job redesign (without changing the core purpose of the job), change in working arrangements or redeployment within school.
 - Discuss the impact of the staff's absence and ill health on standards of teaching and learning , other service delivery and other employees.
 - Explain that continued failure to meet absence targets may lead to dismissal

Where a member of staff is no longer able to continue to carry out the full range of duties of their role, Occupational Health can offer advice as to what specific duties are possible when reviewing duties, seeking alternative posts etc. In conjunction with HR, the head teacher/line manager will ensure that where appropriate, any opportunities for redeployment at other schools with the MAT continue to be explored throughout the Stage 2 process.

- 2.2.5 The head teacher/line manager will write to the member of staff confirming the points discussed and actions decided and informing them that if their attendance does not improve in line with the targets, the matter may be referred to the Head teacher (where he/she has delegated power to dismiss and has not been closely involved in the case to this point) or Governors/Trustees where the member of staff's continued employment will be under consideration. **The letter must advise the member of staff that they are at risk of dismissal due to their incapability to attend work regularly, or undertake their specified duties effectively because of ill health.**

Stage 2 Review

- 2.2.6 If the member of staff's attendance meets the initial Stage 2 targets in the review period, the head teacher/line manager will hold a review meeting and decide, on the individual

circumstances of the case, whether to set new targets, continue the targets for a further period or confirm that the formal process is at an end.

2.2.7 Where a member of staff is advised that they are no longer subject to the procedure, their attendance must remain above the Procedure trigger levels for a period of nine months or they will revert back into the procedure at the stage they were previously at i.e the end of Stage 2.

2.2.8 If it becomes clear that the targets for improvement cannot be reached during the review period then the head teacher/manager does not need to wait for the end of the period and may proceed to Stage 3 at the point this becomes clear, following consultation with John Cook Lawyers.

2.2.9 If the desired improvement has not been attained after the review period, the matter may proceed to Stage 3.

2.3 Stage 3 : Referral to the Head teacher/ Governing Body or Trustees

2.3.1 Following the Stage 2 Review, the head teacher/line manager should give an update to OHU and obtain an up to date Occupational Health report in preparation for the Stage 3 Hearing.

2.3.2 A Stage 3 Hearing will be convened by writing to the member of staff, giving a minimum of 5 working days notice of the date and time of the hearing, informing them of the reason for it and confirming that they will have the opportunity to state their case and have the right to be accompanied by a TU representative or work colleague. The employee must also be informed that a possible outcome of the meeting could be dismissal. A representative from John Cook Lawyers will act as Adviser to the Head teacher/Governing Body.

2.3.3 The purpose of the Hearing will be to consider whether there are any further reasonable actions that the School can take to assist the member of staff in continuing their employment or whether employment should be terminated due to the member of staff's inability to fulfil their contract of employment, (i.e. their incapability to undertake their duties effectively because of ill health).

2.3.4 The conduct of the hearing will be as set out in **Appendix 1**. A management representative (who may be supported by an HR adviser from John Cook Lawyers) will be asked to provide information on what actions have been taken.

2.3.5 When reaching a decision about whether or not to terminate employment, the Head teacher/ Governors/Trustees will consider issues such as:

- The impact of the staff's absence and ill health on standards of teaching and learning other service delivery and other staff.

- The staff's absence record.
- Financial and cost implications of the absence and consequential impact.
- Representations made by the staff and/or their representative.
- Actions taken to attempt to enable the staff to continue in employment.
- Medical advice received.

2.3.6 This list is not exhaustive and the weight attached to each will depend upon the circumstances of the case, whilst balancing the needs of the employee and the School.

2.3.7 Where appropriate the member of staff will be informed of the decision on the day and/or this decision will be confirmed in writing within 7 calendar days. Where a decision to dismiss has been made, the letter will also inform the employee of notice of termination of employment (dependant on the length of service of the member of staff and in accordance with their terms and conditions of employment).

2.3.8 Where decisions are made regarding termination of employment, the employee will have the right of appeal against the decision.

2.3.9 If after considering the evidence presented during the hearing, the head teacher/ Governors/Trustees take a decision not to terminate employment, a further review period of 1 term should be set and targets agreed for improvement. If it becomes evident that the required improvement cannot be attained, the Stage 3 Hearing should be re-convened.

2.4 Right of Appeal against Dismissal

2.5.1 Where decisions are made to terminate employment on the grounds of ill health the member of staff has the right of appeal.

2.5.2 In order to exercise this right, the employee must write to the Chair of Governors within 10 working days of receipt of notification of termination of employment. In their letter, the employee must state their grounds of appeal. The Appeal will be heard by a Panel of three governors or Trustees not previously involved in the case.

3.0 DEALING WITH LONG-TERM ABSENCE

3.0.1 Absences over 28 calendar days duration are considered long-term.

3.0.2 The Head teacher/line managers will be aware when a member of staff's absence is approaching long term, and ensure they have access to all the relevant data. Contact should already be established and continue to be maintained.

3.0.2 Any member of staff who has been absent from work long term will have their absence managed under the stages of the long term procedure. However on return to work and

following any agreed phased return, their attendance will be monitored in accordance with the appropriate stage of the Short Term Absence procedure.

3.1 LTA Stage 1 – Contact and Review

3.1.1 The head teacher/line manager will maintain contact with the member of staff by telephone, writing or in person.

3.1.2 The following should be discussed, taking account of the reason for the ill health and the needs of sensitivity:-

- The employee should be advised that because of the length of their absence they are now being managed under Stage 1 of the Long Term Absence Management Procedure. In all cases a letter should be sent explaining the Procedure and what will happen from this point onwards.
- The frequency of contact between the head teacher/line manager and the member of staff
- The reason for the member of staff's absence
- When the member of staff is likely to be able to return to work,
- Any reasonable measures that could be suggested to allow an early return and enable the member of staff to sustain their attendance at work,
- Identify support provided to the member of staff and any further support that may be appropriate e.g. options to facilitate regular attendance, job redesign, change in working arrangements or redeployment within the school

3.1.3 Where it is evident that an absence is to continue for more than 1 month, the head teacher/line manager will make a management referral to the Occupational Health Unit. In some cases it may be advisable to carry out a management referral sooner than this. The purpose of gaining OHU advice is to provide an indication of the likely duration of the member of staff's absence and whether any steps can be taken to help them return to work. If the member of staff is not well enough to attend an OHU appointment, OHU should request permission from them to access their medical records via their GP. This information will then be used to advise management.

3.1.4 Upon receipt of a report from OHU a formal review meeting (Stage 2) must be held with the member of staff to discuss their on-going ill health.

3.2 LTA Stage 2 – 3 Month Review

3.2.1 Coinciding approximately with 3 months of absence the head teacher/manager will write to the member of staff, giving at least 5 working days notice, to invite them to attend a review meeting to discuss their ongoing absence. The member of staff may be accompanied by an accredited Trade Union representative or a work colleague at the meeting. A representative from John Cook Lawyers may also attend the meeting.

3.2.2 The circumstances of the illness may dictate the format of the discussions. Depending on the advice received from OHU, one or more of the following actions may be taken:

- Review periods may be set, with further advice obtained from OHU.
- Reasonable adjustments, such as changes to the workload, work practices or work pattern may be identified and implemented. This could be on a temporary basis as part of phasing the employee back to work i.e. rehabilitation scheme or on a more permanent basis.
- Finding alternative work
- Other support mechanisms may be identified and implemented. Redeployment within the school may be pursued.
- In exceptional circumstances and at the agreement of the member of staff investigations may take place into whether they may be eligible for ill health retirement pension benefits. NB for Support Staff, termination must be determined (by agreement or otherwise) prior to a formal application for Ill Health Retirement (where there is eligibility).

3.2.3 Before any final decisions are made all actions under consideration will be discussed with the member of staff and their representative.

3.2.4 The head teacher/line manager will write to the member of staff confirming the points discussed, and the actions agreed and advising them of the consequences of continued absence.

3.3 LTA Stage 3 : 6 Month Review

3.3.1 If the member of staff has been unable to return to work a further meeting should be arranged (as per 3.2.1 – 3.2.5).

3.3.2 The options set out at 3.2.2 will be re-considered depending on the progress of the employee's health condition

3.3.3 If it is apparent that a return to work is not possible and all options to facilitate a return to work have been explored, the matter may be referred to the Head teacher (where he/she has delegated power to dismiss and has not been closely involved in the case to this point) or Governors/Trustees who will consider whether the member of staff's service should be terminated. An up-to-date medical report should be obtained from Occupational Health, including where appropriate a medical certificate completed by an authorised Independent Registered Medical Practitioner for ill health retirement to be considered.

3.4 Stage 4 : 9 month Review

3.4.1 If the member of staff has been unable to return to work , a further meeting should be arranged (as per 3.2.1 – 3.2.5).

3.4.2 The options set out at 3.2.2 will again be re-considered depending on the progress of the employee's health condition.

3.4.3 If it is apparent that a return to work is not possible and all options to facilitate a return to work have been explored, the matter will be referred to the Head teacher (where he/she has delegated power to dismiss and has not been closely involved in the case to this point) or Governors who will consider whether the member of staff's service should be terminated. An up-to-date medical report should be obtained from Occupational Health, including where appropriate a medical certificate completed by an authorised Independent Registered Medical Practitioner for ill health retirement to be considered.

3.5 Stage 5 : Review Hearing by Head teacher or Governing Body/Trustees

3.5.1 A Stage 5 Review Hearing will be convened in the following instances:

- Where a long-term period of absence is continuing and options to enable the member of staff to remain in employment have not been successful, and all options to facilitate a return to work have been explored, or
- if it is apparent that a return to work is not possible within the foreseeable future, and it is not reasonable in the circumstances to wait any longer for the member of staff to recover, or
- where the member of staff has confirmed at Stage 4 that he/she will not be able to return to work, or
- in the case of Support Staff, the employee/OHU confirms that an application for ill-health retirement should be made.

3.5.2 The purpose of the review will be to explore whether there are any further actions the School/MAT can take to assist the employee in continuing their employment or whether employment should be terminated due to the member of staff's incapability to undertake their duties effectively because of ill health.

3.5.3 The Head teacher (where he/she has delegated power to dismiss and has had no detailed involvement in the case to this point) or a panel of Governors/Trustees will conduct the review and will be supported by an HR Adviser from Cook Lawyers. A management representative (who may be supported by another HR Adviser) will be asked to provide information on actions taken.

3.5.4 The school will write to the member of staff giving no less than 5 working days notice of the date and time of the meeting to inform them of the reason for it and confirming they will have the opportunity to state their case. They should also be informed that a possible outcome could be dismissal.

3.5.5 The member of staff will have the right to be accompanied by an accredited Trade Union representative. Alternatively, the member of staff may choose to be accompanied by a colleague at the meeting. This is in a supportive role only.

3.5.6 When reaching a decision about whether or not to terminate employment, the head teacher or Governors/Trustees will consider issues such as:

- The impact of the member of staff's absence and ill health on teaching and learning, other service delivery and other staff.
- The member of staff's absence record.
- Financial implications.
- Representations made by the member of staff and/or their representative.
- Actions taken to attempt to enable the member of staff to continue in employment.
- Medical advice received, including any timescales for a return to work

3.5.7 This list is not exhaustive and the weight attached to each will depend upon the circumstances of the case, whilst balancing the needs of the School and the employee.

3.5.8 The member of staff will normally be informed of the decision at the meeting, which will be confirmed in writing within 7 calendar days. Where a decision to dismiss has been made, the letter will also inform the member of staff of notice of termination of employment, and include details of pay in lieu of notice.

3.5.9 Where a decision is made to dismiss, the member of staff will have the right of appeal against the decision (which will be detailed in the letter as in 3.5.8).

3.5.10 At any time during the review the head teacher or Governors/Trustees may adjourn if s/he feels that further medical advice is necessary in order to make an informed decision. Every effort will have been made to obtain up to date medical evidence, preferably no more than six weeks old. The decision will be based on the evidence available at that time.

3.5.11 In the event that the decision made is not to terminate the contract but to follow some other course of action, a letter will be sent to the member of staff within five working days outlining the details of the decision.

3.6 Right of Appeal Against Dismissal

3.6.1 Where a decision is made to terminate employment on the grounds of ill health the member of staff has the right of appeal.

3.6.2 In order to exercise this right, the member of staff must write to the Chair of Governors within 10 working days of receiving notification of termination of employment. In their letter, the member of staff must state their grounds for appeal. Appeals will be heard by a Panel of governors/Trustees not previously involved in the case.

3.6.3 For Support Staff, an appeal against a refusal to grant ill health retirement or against the tier at which this has been awarded, will be dealt with by implementing the Internal Disputes Resolution Procedure. Details of the procedure can be found in the Local Government Pension Scheme Regulations.

4. SUSPENDING SICK PAY (see *Appendix 2*)

- 4.01 Sick pay may be suspended because the Sick Pay procedure is being abused, or the procedure is not being followed. In some cases the circumstances may be sufficiently serious to consider disciplinary action as well as suspension of sick pay. In all cases, repeated abuse will be dealt with under the Disciplinary Procedure. The member of staff will have a meeting with the Head teacher / Line Manager to discuss the decision to suspend sick pay.
- 4.02 Where the member of staff is on long term absence, the Head teacher / Line Manager will write to them to arrange to see them or (if they are unfit to meet) to give them an opportunity to submit written representations prior to the decision to suspend pay being taken.
- 4.03 The following are examples of circumstances where suspension of sick pay must be considered, but they are not exhaustive:
- Being absent just before or after a weekend or holiday period, which continues after being highlighted under the Absence Management Procedure
 - A pattern of absence on specific days , which continues after being highlighted under the Absence Management Procedure.
 - Reporting sick after being refused leave for the period involved.
 - Not following the absence notification procedures. The Head teacher will ensure at induction that all staff are aware of the notification requirement. This would include failure to supply medical certificates or complete the Sickness Absence Notification and Certification Form.
 - Being absent and out of contact for an undue time (no response to letters, phone calls or visits).
 - Failing to attend an Occupational Health appointment without good reason.
 - Working elsewhere paid or unpaid during absence.
 - Continuing to take part in activities outside work which adversely affect ability to do the job.
 - Carrying out activities incompatible with the nature of their illness or likely to affect recovery.
 - Going on holiday during sickness absence, without first obtaining approval.
- 4.04 Taking a holiday during sickness absence would be exceptional, but there could be special circumstances. These will include medical advice that it would help convalescence (e.g. holiday for convalescence recommended by a GP), but there could be other special considerations. In such cases, the member of staff must discuss their proposal with their head teacher/line manager in advance and advice from Occupational Health should be obtained as appropriate. Failure by the member of staff

to discuss the proposal would put sick pay for the period at risk. Any holidays approved must be recorded as holiday and not as sick leave.

- 4.05 An employee who disputes the suspension of sick pay (and where disciplinary action is not being pursued) may appeal to a Panel of Governors convened as for a Grievance appeal.

4.1 Suspension of sick pay: member of staff currently absent

- 4.1.1 If a head teacher/manager has evidence that a member of staff who is currently absent is abusing the Sick Pay Scheme, they will notify the member of staff in writing advising of their decision to suspend sick pay. The school payroll provider will be advised and asked to action the suspension of sick pay.
- 4.1.2 Where a member of staff returns to work after sick pay has been suspended, the head teacher/line manager will meet with the member of staff and their representative to listen to the staff's explanation and decide whether or not to reinstate the suspended sick pay. The decision will be confirmed in writing.

5.0 ILL HEALTH WHICH DOES NOT LEAD TO ABSENCE FROM WORK

- 5.1 There may be occasions where a member of staff is suffering from ill health, but this does not lead to the employee being absent from work. If the member of staff believes that their ill health is having an impact on their ability to undertake their job they should raise this with their head teacher/line manager. Where a head teacher/line manager believes that ill health is having an impact on a member of staff's ability to undertake the job, they should raise this with them. The head teacher/line manager should discuss the matter confidentially with the member of staff, undertake or review the workplace risk assessment and discuss whether any additional support can be provided to assist the employee at work. Depending on the circumstances, it may be helpful to seek advice and guidance from OHU.

6.0 MANAGING EMPLOYEES WITH A DISABILITY

- 6.01 For the purposes of the Equality Act, a person has a disability if they have a physical or mental impairment which has a **substantial and long term adverse effect on their ability to carry out normal day-to-day activities**, or they have been diagnosed with a specific illness which gains recognition under the Act. There is no definitive list of conditions covered by the Equality Act. The following is a list of conditions which are likely to be included, depending on the severity:

- Sensory impairments (vision and hearing)
- Heart conditions
- Musculoskeletal conditions, affecting the limbs, hands, back or neck

- Recurring or fluctuating conditions such as arthritis
- Mental health problems such as diagnosed depression
- Epilepsy
- Asthma
- Dyslexia
- Diabetes
- Severe disfigurements
- Learning disabilities
- Progressive conditions (e.g. cancer or multiple sclerosis).

6.0.2 An employee's disability may come to light when they are being dealt with under the Absence Management Policy. This might be during the return to work interview, a long term sickness absence meeting, or at one of the review stages.

6.0.3 Where there is a provision, criterion or practice applied by the employer, or a physical feature of the working environment that places the member of staff at a substantial disadvantage compared with employees who are not disabled, there is a legal obligation to ensure that reasonable adjustments are made to the duties/working environment to enable the member of staff to continue working or to return to work.

6.0.4 Where a member of staff is absent with a disability related illness, the following additional steps will be taken. Where a disabled employee is absent with a non disability related absence this will be managed as normal through the Absence Management process.

6.1. Managing an Employee covered by the Equality Act

6.1.1 Once it is believed that a member of staff is covered by the provisions of the Equality Act, the head teacher/line manager will arrange an OHU referral and/or seek advice relating to any reasonable adjustments which may need to be made to enable the employee to perform their role.

6.1.2 At the OHU appointment, the employee should share information on their condition and the effects that it has on them and their ability to carry out the duties of their position. The member of staff will be involved in suggesting what reasonable adjustments would help, and how they might be implemented. If specialist equipment is required, the head teacher/line manager will be advised how to contact Access to Work to arrange for an assessment. In exceptional cases, where Occupational Health are unable to advise, further advice can also be obtained from specialist organisations such as RNIB, MIND etc.

6.1.3 After an OHU assessment a meeting will be held between the head teacher/line manager, member of staff and Cook Lawyers (HR) to consider the report from OHU and any other specialist advice. The recommendations will be discussed and reasonable adjustments made, including carrying out appropriate risk assessments.

- 6.1.4 Where a member of staff remains in or returns to work and their medical condition subsequently changes, a review meeting should take place to review whether additional adjustments can/should be made. Notes should be kept of this/these meetings and the outcome confirmed to the employee in writing.
- 6.1.5 Where it is not possible to make reasonable adjustments, or where the medical condition has deteriorated and the adjustments are no longer working and/or it is not possible to make further adjustments to allow the member of staff to continue in their post; consideration will be given to redeployment within the school. It is the mutual responsibility of the school and the employee to identify suitable vacancies. The acceptable time period to look for suitable alternative work is one term.
- 6.1.6 If the member of staff is a member of the LGPS or TPA, and is no longer able to perform in their substantive role and no suitable alternative vacancy is available, it may be appropriate for the member of staff to consider/be considered for ill health retirement.

6.2 Disability Related Absence

- 6.2.1 If a member of staff has absence due to a disability related illness, which has been identified as set out in 6.1, then the period of absence might not be included for purposes of triggering action under in the Absence Management Policy. Following a disability related absence or at the point a disability is identified, the head teacher/line manager will hold a meeting with the member of staff to ensure that they are well enough to be at work etc. and review disability related absence and the ongoing requirement to make reasonable adjustments.
- 6.2.2 For an employee who has a disability identified as set out at 6.1, the triggers for action under the dealing with short term absence element of this Procedure may differ from those followed in section 2, however the stages will be the same. The Head teacher/line manager will determine what the triggers will be based on school norms and OHU and HR advice on reasonable adjustments. If absences result in the employee being unable to perform the main duties of their post, and redeployment/ reasonable adjustments have been fully explored, then this matter will be referred to the Head teacher or Governing Body as set out at 2.3.
- 6.2.3 If a disabled employee has periods of absence which are not related to their disability, they will be managed in the usual way under the Procedure.

6.3 Managing Long Term Sickness Absence Relating to Disability

- 6.3.1 Where a member of staff is on long term sickness absence with a condition related to a disability, the head teacher/manager will keep in touch with the member of staff as set out in the procedure. Where possible, the timescales for referral and meetings etc. will take place as usual. Advice will be sought from John Cook Lawyers.

- 6.3.2 Where it is likely that the member of staff will not be able to return to work and carry out their duties, reasonable adjustments should be discussed with the employee so that these can be put into place for them when returning to work and where appropriate, a risk assessment should also be carried out
- 6.3.3 Where it is felt that there are no further reasonable adjustments that can be made to enable the employee to return to their post, then consideration will be given to redeployment within the Trust.
- 6.3.4 If continued ill health and absence results in the employee being unable to perform the main duties of their post, and redeployment/ reasonable adjustments have been fully explored, then this matter will be referred to the Head teacher or Governing Body/Trustees as set out at 3.5.

7.0 OCCUPATIONAL HEALTH UNIT MANAGEMENT REFERRALS

- 7.1 The role of the OHU is to provide advice and guidance to the School and its staff on the impact of an employee's ill health on their ability to undertake their duties and what measures can be put into place to support employees where appropriate. The following points should be noted:
- In cases of short term absences, the head teacher/line manager will complete the Referral Form, **in consultation with the employee wherever possible, with a copy provided to the member of staff.**
 - **The head teacher/line manager and member of staff** will ensure that as much relevant information as possible is provided to the OH physician.
 - The head teacher/line manager will be clear about the points on which they seek advice.
 - Any Personal Risk Assessment drawn up will be attached to the medical referral.
 - The member of staff's sickness absence history will be attached to the referral form.

Appendix 1

CONDUCT OF HEARINGS

The procedure to be adopted at any Hearing will normally be:

- 1 A Hearing will be conducted by the Headteacher or a Panel of the Governing body/Trustees.
- 2 The Head teacher / Panel will be supported by an HR Adviser.
- 3 The Head teacher / Panel conducting the Hearing will satisfy himself/herself/themselves that the employee understands the purpose of the Hearing and the possible implications arising from it.
- 4 A management representative (who may be supported by an HR adviser) will present information on the employees absence and what actions have been taken to that point. Copies of OHU reports and other documents will be presented where these are considered necessary. Witnesses may be called.
- 5 The employee and/or representative will be given the opportunity to question the presenting officer as well as any witnesses who may have given evidence.
- 6 The employee or his/her representative will then be invited to respond to the case as presented. The employee may also produce witnesses, written statements or other documents in support of his/her case.
Where witnesses are school or Council employees they should be given reasonable time off with pay to attend the Hearing.
- 7 The presenting officer will be given the opportunity to question the employee, his/her representative and any witnesses called.
- 8 At any stage during the Hearing the Head teacher / Panel conducting the hearing and any adviser(s) may ask questions of the employee, the presenting officer or such other persons, as they may consider appropriate in order to ascertain the facts and arguments.
- 9 The presenting officer will then be invited to make a closing statement not introducing any new material.
- 10 Finally the employee or his/her representative will be given the opportunity to make a closing statement also without introducing any new material.
- 11 Both parties will withdraw to allow the Head teacher / Panel conducting the Hearing to review and consider the evidence in conjunction with any advisers.
- 12 The Head teacher / Panel conducting the Hearing will then recall both parties to inform them of the decision. The decision should normally be announced personally to the parties as soon as it is possible on the day of the hearing. If it is not possible to make a decision immediately the parties should be informed of this. In any event a decision must be made and communicated to the employee within five working days of the hearing. The decision should be confirmed in writing and delivered to the employee either by hand or recorded delivery and first class post with a copy to the trade union or other representatives and the presenting officer.

Suspension of Sick Pay – Information for Staff

- 1.0 Your terms of employment enable school to suspend your sick pay, if it is considered that the sick pay scheme is being abused. This may either be because sickness is not believed to be genuine, because your absence seems unnecessary or because recovery is being deliberately affected in some way.
- 2.0 In most cases, sickness absence is genuine and there is no question of stopping sick pay. However, sometimes this is not the case and a sanction must be imposed. This guidance has been agreed with the Trade Unions to help you understand why your sick pay may be suspended.

3.0 What is abuse of the sick pay scheme?

These are some examples, however this list is not exhaustive. Your particular circumstances will always be taken into account.

- Absence just before or after a weekend or holiday period which continues after a warning under the Absence Management Procedure.
- A pattern of absence on specific days, which continues after a warning under the Absence Management Procedure.
- Taking sickness absence after being refused leave for the period involved.
- Not following the absence notification procedures (head teacher/managers will ensure at induction that staff are made aware of the notification requirement). This includes failure to supply medical certificates or complete the Sickness Absence Notification and Certification Form.
- Being absent and out of contact for an undue time (no response to letters, phone calls or visits).
- Not attending an Occupational Health appointment, without good reason.
- Working elsewhere during absence (paid or unpaid).
- Continuing to take part in activities outside work which adversely affect your ability to do your job.
- Carrying out activities which are incompatible with your illness or likely to affect your recovery.
- Going on holiday during sickness absence without first obtaining approval. (Taking a holiday during sickness absence would be very exceptional but there could be special circumstances. These include medical advice that it would help convalescence but there could be other special considerations. Your manager may take advice from Occupational Health. If you do not discuss the proposal, you will put your sick pay for the period at risk.)

- 3.1 If the situation is serious, or if another incident occurs, disciplinary action may be proposed as well as suspension of your sick pay.

4.0 **What happens if my head teacher/manager feels I have abused the sick pay scheme?**

- If you are in work, you should be told at the review meeting of the formal Absence Management Procedure that suspension of sick pay may happen for any future absences during a review period of up to 3 months ahead. You will be able to comment on this possibility. Suspension would, of course, only apply to types of absence which have given rise to the problem, e.g. persistently being absent on a Friday. It would not apply to unrelated absence, e.g. sickness resulting from injury or a genuine 'illness'.
- If your pay is then suspended for a particular absence, you will be told in writing immediately, and informed of the reasons.
- At the meeting, your head teacher/line manager will discuss the circumstances of your absence. You are entitled to have your accredited Trade Union representative or a work colleague with you, if you wish. Your head teacher/line manager will then decide whether your sick pay should be reinstated which will be followed up in writing.

- 1.1 On return to work the head teacher/line manager will arrange to talk privately with the member of staff during the first day back (or, if this is not possible, within 2 days of the return to work). Prior to the meeting, the head teacher/line manager will review the employee's absence history over the last twelve months. Any Equality Act recommendations from OHU will be taken into consideration.
- 1.2 The Head teacher/line manager will be sensitive to the member of staff's right to medical confidentiality. If the member of staff is not happy to discuss the reasons for absence an OHU referral may be made. The majority of return to work meetings should be simple and straightforward and will not result in any further action.
- 1.3 The purpose of the meeting will be to welcome the member of staff back to school, to ensure that there is an accurate record of the absence and the appropriate certification and to update the employee on work issues. It is also an opportunity for the head teacher/line manager and the employee to discuss any underlying issues that may be affecting the member of staff, and address concerns regarding notable patterns of absence and any underlying causes for these. In particular, frequent short term absences may be a sign that the member of staff has a health problem, has special domestic needs or has work related problems. If during discussions, the head teacher/line manager feels that any of these are evident then support to the individual may be available through a variety of sources including a management referral to Occupational Health, changes in work patterns, flexible working arrangements and medical condition/stress risk assessments.
- 1.4 If a trigger has been met the head teacher/line manager will notify the member of staff of the intent to arrange a formal Absence Review Meeting, at the appropriate stage, to discuss the matter. The member of staff has the right to be accompanied by a work colleague or TU representative.
- 1.5 The Review Meeting will be a separate meeting and not be conducted during the Return to Work Interview.

Roles and Responsibilities

1.0 Members of Staff

Members of Staff are expected to:

- Attend work when fit to do so
- When absent from work refrain from activities which could unreasonably jeopardise their ability to attend work and ensure that they do not act in any way that will hinder their recovery.
- Refrain from undertaking any employment whilst absent from work (whether paid or unpaid) without the head teachers/line manager's prior written agreement. Consideration will be given as to whether the additional employment will be detrimental to the member of staff's health and recovery.
- Be responsible for acknowledging and resolving problems underlying absences where these are within their control
- Ensure that absences are attributed to illness only where a diagnosable medical condition exists, and that other policies and procedures (e.g. compassionate leave etc) are used where these are appropriate.
- Engage fully in the Absence Management Procedure and familiarise themselves with their terms and conditions of employment regarding absence from work.
- Keep the head teacher/line manager fully informed of their position if they are unable to attend work and to maintain regular contact
- Remain contactable for the duration of their sickness absence, unless medical advice is to the contrary
- Participate in 'return to work' interviews
- Comply with the School's requirements for medical advice:-
 - Attending Occupational Health appointments and any meeting with the head teacher/line manager
 - Providing appropriate certification for each period of absence, including medical certificates and ensuring that there are no gaps in any absence requiring certification

2.0 Head teacher/Manager

Absence Management is an integral part of the responsibilities of all managers in school. The Trustees and the Governing Body expects the head teacher/line managers to:

- Comprehensively understand all aspects of the procedure for reporting, monitoring and managing sickness absence
- Ensure that staff are aware of the reporting procedures
- Keep in contact with staff.
- Ensure all absences are reported and recorded

- Complete return to work interviews in every case of sickness absence .
- Ensure any outstanding actions are followed up, i.e. Occupational Health appointments, reasonable adjustments etc
- Conduct review meetings in accordance with the procedure.
- Where concerned about a member of staff's sickness absence record to discuss with them (ideally as part of the return to work interview) any difficulties that they may be experiencing in doing their job.
- Keep members of staff informed and maintain good records of their contact with staff as they may be required (at a later date) to show that they have been reasonable, open and consistent in the way they have dealt with each member of staff in the application of the procedure.

3.0 Human Resources for Concordia MAT School – Cook Lawyers

Appropriate Human Resources advice will be taken as necessary.