

**MOUNT ST MARY’S CATHOLIC HIGH SCHOOL**

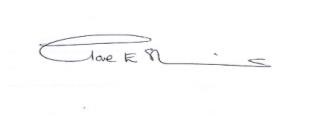
***Educating the Individual for the Benefit of All***

**ABSENCE MANAGEMENT**

**POLICY & PROCEDURE**

**Mount St Mary’s Catholic High School Absence Management Policy**

Adopted by Mount St Marys’ Governing Body on 4 April 2020

Signed Chair of Governors

Review date: 4 April 2027

# 1. Introduction

1.1. Mount St Mary’s Catholic School is committed to providing high quality education to all our students and recognises that high levels of staff attendance at work, together with the provision of a healthy and safe working environment, are vital factors in achieving this aim. 

1.2. The Absence Management Policy and Procedure provide guidance on the management of both long term and short term absence. They aim to provide a fair and consistent framework for supporting staff that are absent due to sickness, and for resolving concerns relating to attendance.

1.3. A manager’s “Toolkit” has also been developed which includes additional guidance on a range of issues covered in the policy as well as example letters.

1.4. This policy does not form part of any employee's contract of employment and the School may amend it at any time, following consultation with the Trade Unions.

# 2. Aims of the Policy

2.1. The policy aims to ensure that:

1. As a School we are sensitive and supportive to those suffering from the effects of ill health.
2. Discussion and constructive dialogue with employees takes place to support and resolve attendance issues.
3. Return to work interviews are conducted following each period of sickness absence.
4. Employees who are absent from work for short or long periods of sickness are aware that they must notify and certificate their absence and how to do so.
5. Identifies how sickness absence from work will be managed and ensures employees are warned of the possible consequences of continuing unsatisfactory absence.
6. Trigger points are established to guide when formal review meetings should take place, to ensure fair and consistent application.
7. Occupational Health services are available to support and assist managers and employees with health and absence issues.
8. All sickness absence is accurately recorded, identifying the reasons for the absence.
9. Records of all absences, discussions and medical certificates/Fit Notes are kept confidential and in accordance with the requirements of the General Data Protection Requirements (GDPR) 2018 and other appropriate legislation.
10. Employees have the right to be accompanied by a Trade Union representative or work colleague who does not have a conflict of interest at any formal meeting.
11. There is an appeals process through which employees can appeal against cautions issued and dismissal.
12. Employees receive payment in accordance with their pay and conditions of service during any period of absence, conditional upon complying with the School’s procedure for notifying of absence, provision of ongoing medical evidence/certification and attendance at Occupational Health appointments where referred.

# 3. Scope

3.1. The provisions of this policy will apply to all staff, both teaching and support staff, directly employed by the School.

# 4. Equality

4.1. In applying this policy, managers will not unlawfully discriminate in respect of any of the protected characteristics as defined under the Equality Act 2010 and specified below:

1. Age
2. Disability
3. Gender Reassignment
4. Marriage and civil partnership
5. Pregnancy and maternity
6. Race, colour, nationality, ethnic or national origin
7. Religion or belief
8. Sex
9. Sexual Orientation
   1. Disability under the act covers physical and mental impairments that have a substantial and long term adverse effect on an individual’s ability to carry out normal day-to-day activities. If an employee is affected by a disability or any medical condition, which affects their ability to undertake their work, they should discuss this with their line manager. Further information in relation to disability is provided later in the policy.

* 1. The School will operate this policy consistently and in a non-discriminatory way by taking account of any relevant individual circumstances that may impact on the situation.

# 5. Background and Context

5.1 Managers and supervisors need to manage sickness absence proactively in their teams to help the School deliver services effectively.

5.2 Employees will naturally have periods of illness during the course of their employment that may result in some absence from work. However high levels of sickness absence can result in;

1. A negative impact on the performance of the School
2. Low morale
3. Financial costs to the School in occupational sick pay and additional staff cover

5.3 By taking a pro-active and early intervention approach the School can reduce absence levels and help employees get back to work sooner. Improving levels of sickness absence will;

1. Improve the School’s capacity
2. Make the most effective use of our resources
3. Improve morale
4. Improve the outcomes for pupils
5. Save money

# 6. Health and Wellbeing

6.1 The School will promote the health, safety and wellbeing of our employees through:

1. Health and Safety Policy and Procedure
2. Occupational Health provision
3. Provision of counselling
4. HR Policies such as Leave of Absence, Right to Request Flexible Working etc.

# 7. Maintaining contact

7.1 When an employee is absent from work due to sickness, it is their responsibility to keep their manager regularly updated on their situation throughout their period of absence, giving them as much information as possible about the absence and any treatment that they have had or are planning to have. This should be done by telephone or as per an alternative agreement with their manager.

7.2 If an absence becomes long term, regular contact must be maintained, the method and frequency of which to be agreed between the line manager and employee dependent upon the circumstances.

# 8. Definition of Sickness Absence

8.1 Short term absence isdefined as an episode which does not exceed four weeks (i.e.

repeated days of full or partial absence, frequent or persistent in nature). The procedure for dealing with short term absence is outlined at section 16.

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8.2 Long term absence isdefined as continuous absence of four weeks or more. The procedure for dealing with long term absence is outlined at section 31.

# 9. Sickness Absence Reporting Procedure

9.1. In order for service delivery to be maintained, it is essential for the School to know when an employee is unable to attend work due to illness. The School’s Sickness Absence Notification Procedure must be followed. A copy of this is available in the staff handbook.

# 10. Sickness Absence Certification

10.1. Every absence must be certified to ensure prompt and correct payment of contractual and statutory sick pay.

* For one to seven calendar days of any absence an employee, on return to work, must complete a self-certification form. From the eighth calendar day onwards (including Saturday and Sunday), the employee must obtain a medical ‘Statement of Fitness for Work’ (Fit Note) from a medical practitioner/hospital. These must be sent to the Headteacher’s PA at the school.

* Where there is continuing sickness absence, the employee must submit to the Headteacher’s PA concurrent Fit Notes to cover the whole period of absence (this applies during school holidays).

10.2. It should be noted that failure to follow the reporting and certification procedures may lead to the absence from work being considered as unauthorised absence, resulting in loss of pay and possibly disciplinary action.

# 11. Sick Pay Scheme

11.1 Occupational sick pay will be paid in accordance with the employee’s contract of employment and conditions of service.

11.2 The School reserves the right to recommend terminating the employment of an employee before the expiry of Occupational Sick Pay in accordance with the procedure for dismissal on the grounds of capability (health) specified later in this procedure.

11.3 Suspected abuse of the Sick Pay Scheme will be dealt with under the School’s Disciplinary Procedure as a conduct issue and may result in a disciplinary sanction and/or the suspension of sick pay. Examples of what could be considered conduct issues are provided at section 30.

# 12. Sickness and Annual Leave

12.1 An employee will continue to accrue annual leavewhile absent due to sickness. If an employee becomes ill whist on annual leave, then the period covered can be treated as sick leave provided a medical certificate/Fit Note is obtained and completed at the time and place of being ill, confirming the dates they would not have been fit enough to carry out their normal duties. The annual leave will be re-credited and the time off recorded as sickness.

12.2 In the event that an employee falls sick immediately prior to pre-booked annual leave and does not return to work before the annual leave period starts, then the employee’s continued absence will be recorded as annual leave, except on production of a medical certificate/Fit Note, confirming that the employee was not fit for work during the period in question.

# 13. Medical Certificates/Fit Notes

Medical certificates/Fit Notes must be obtained to cover all periods of sickness in excess of 7 calendar days, without any gaps. All medical certificates/Fit Notes should be sent to the Headteacher’s PA promptly under confidential cover.

13.1. Fit Notes allow a GP to advise that the patient is either:

1. Not fit for work
2. May be fit for work

* 1. A GP will give a ‘may be fit for work’ statement if they think that an employee’s health conditions may allow them to work as long as they receive appropriate support. If a GP uses this option, they will give advice about the effects of the patient’s health condition and, if appropriate, some suggestions about the type of adjustments or adaptations that should be considered to help the employee return to work.

* 1. Although the School will not have to act on the GP’s advice, every effort should be made to make the changes necessary to help the employee return to work and so reduce unnecessary sickness absence. Advice and guidance is also available from the School’s Occupational Health Service on the employee’s medical fitness to be able to perform tasks/duties and help them get back to work.

* 1. If for any reason the line manager cannot make the changes necessary to support the employee’s return to work then, for sick pay purposes, the manager should consider the statement as if the GP has advised that the employee is ‘not fit for work’. The employee does not need to return to the GP for a new statement to confirm this.

* 1. Employees must not return to work if they are still covered by a Fit Note that states ‘not fit for work’.

# 14. Return to Work Meeting

14.1. Following a period of sickness absence, a return to work interview will be held by the employee’s manager or nominated person within the School. This will be within two working days of the return to work. The purpose of the meeting is to:

1. Discuss the reasons for the absence and ensure the member of staff is fit to return to work (records of all absences, discussions and medicalcertificates willbe kept confidential and in accordance with the GDPR). Check that necessary certification has been completed and provided.
2. Discuss the details of the return to work, based on any advice given by a GP in the Fit Note. Explore the need for specific support or workplace adjustments, and where appropriate consider referral to Occupational Health for advice.
3. Establish if the sickness is work-related and whether there are any health and safety issues or work related factors that need to be addressed.
4. Provide an update on workplace developments, including how the work has been covered in their absence and how the workload can be organised to accommodate any backlog.
5. Clarify expected standards of attendance, including absence triggers and possible consequences where standards are not met.
6. As appropriate, identify and raise any concerns regarding absence levels and triggers.

14.2. Should it be established that the employee’s sickness is related to their personal or domestic life, the employee will be made aware of the services and support that can be provided through the School e.g. counselling etc.

# 15. Conduct while absent due to sickness

15.1. All employees who are absent from work due to sickness have a personal responsibility to do everything in their power to aid their return to full health and fitness and should not undertake any activity which may hinder this objective.

15.2. It is a requirement that employees co-operate fully with managers regarding their absence, and that they make themselves available to attend all meetings or discussions arranged to facilitate an early recovery and return to work.

# 16. Managing frequent /short term absence

16.1. Frequent/short-term sickness absence may consist of days off for different reasons such as headache, colds, upset stomach etc. that may or may not be covered by a medical certificate/Fit Note. A pattern may also emerge of odd days off for the same reason i.e. headaches. Sometimes the pattern may be around certain times of the week/month i.e. before or after weekends, before or after annual leave or School closure periods.

16.2. Frequent absence may indicate general ill health and employees should be encouraged to seek proper medical advice to identify any underlying health problem. Advice can also be sought from the School’s Occupational Health Provider.

16.3. Employees who are not motivated, are feeling stressed and/or have difficult relationships with others at work may also have frequent, short term absence. Identifying such problems early will help managers to be aware of these issues and if possible address them. If an employee feels their absence will be noticed and discussed they may be less inclined to take unnecessary time off.

16.4. Patterns of absence can also be due to other factors outside of work such as domestic issues around child care/care for relatives etc. or personal issues. If such issues are identified the manager should discuss additional support which may be appropriate, such

as counselling provision, etc. Some flexibility around start/finish times may also be considered on a short term, temporary basis depending on the nature of the employee’s post. Such arrangements should always be confirmed in writing, be for a specified time and be monitored.

16.5. Where there are high levels of frequent/ short-term absence, which are causing concern, the focus will be **on the level of absence and** **the impact that this is having on service delivery** rather than whether the absence is genuine or not. Where concern arises, the matter should be discussed with the individual at the earliest opportunity with a view to resolving the issues in an informal manner in the first instance.

# 17. Trigger Points

17.1. Trigger Points are a useful way of indicating to employees and managers when sickness absence levels are becoming a cause for concern and where further action may be necessary. The School has specific “trigger points” which if hit will prompt a manager to hold an **Absence Review meeting**. The triggers used are;

* Where the employee has had four separate absences within a rolling twelve month period,

* Where the employee has had twelve days of absence within a twelve month rolling period (this will be proportionate for employees with a working pattern that does not cover every day of the standard school working week),

* Where any unacceptable trend of absence is identified (e.g. repeated absences linked to weekends or other breaks).

* 1. Absence due to pregnancy or related illness will be discounted when calculating the levels of attendance for the purposes of taking action under this procedure.

* 1. Absences due to disability related illnesses are recorded; however, managers will, when considering sickness absence in relation to disabled employees, consider appropriate

‘reasonable adjustments’ of which one may be to accept some level of absence from work.

# 18. Absence Review Meetings

18.1. While some flexibility may be required dependent on individual circumstances, managers should ensure that they have an **Absence Review Meeting** with the employee once the absence reaches one of the ‘trigger points’ as specified above. **These meetings are in addition to Return To Work Meetings**.

18.2. The purpose of the **Absence Review Meeting** is to:

1. Fully understand the reasons for absence.
2. Identify any appropriate support that could be put in place which could improve attendance.
3. Set targets for improvement through an **Absence Improvement Plan (AIP),** if necessary.

# 19. Arranging an Absence Review Meeting

19.1. The employee’s manager must confirm the arrangements of the meeting in writing to the employee giving at least **5 working days notice** of the meeting. The employee has the right to be accompanied by their Trade Union representative or workplace colleague who does not have a conflict of interest.

19.2. The manager should ensure they have the details of the employee’s absence record and the triggers they have hit and discuss these at the meeting together with any specific work related issues. Any medical reports obtained from the School’s Occupational Health Service should also be discussed if they have been obtained.

19.3. Employees are encouraged to be as open as possible about the reasons for absence and any personal/work issues that may be contributing to this. Managers should be aware that this might be difficult and sensitive and if an employee would prefer to talk to another manager this should be arranged. It is important that an **Absence Review Meeting** goes ahead so that an **Absence Improvement Plan (AIP)** can be put in place which includes any relevant support identified.

19.4. An **Absence Improvement Plan** **(AIP)** may include one or more of the following actions:

1. A monitoring period during which an improvement in absence levels is specified.
2. The employee is required to obtain a Fit Note from their GP for every period of absence (Some GP’s may charge for this and the cost would be met by theSchool).
3. A referral is made to the Occupational Health Service for advice on the employee’s health if this has not already been done.
4. The employee is signposted to the School’s counselling services.
5. Reasonable adaptations to working practices/procedures are considered and implemented if the employee is disabled and covered by the Equality Act.
6. Different working hours/arrangements on a short term, temporary basis are considered and implemented if appropriate i.e. later start/finish times. Such arrangements should be in accordance with the period of absence and should not extend for a period of 4 weeks.
7. Policies for Leave of Absence/Flexible Working are considered and used where appropriate.

19.5. Any one, or a combination of the above, may be appropriate depending on each case. The outcome of the meeting must be confirmed in writing by the manager and should include details of the AIP including:

1. The situation to date including the number and frequency of absences.
2. If any improvement is required and the timescales involved (employees must know what is expected of them and how this will be monitored).
3. Details of any support or temporary arrangements, which have been put in place.
4. That failure to improve and sustain attendance to the required level could lead to more formal action such as a **Case Review Hearing** and that the employees continued employment could be at risk.

# 20. 2nd Absence Review Meeting

20.1. If there is insufficient improvement in the employee’s attendance or the improvement is not sustained a **2nd Absence Review** meeting can be held. The manager should write to the employee again giving at least **5 working days’ notice** of the meeting and that they have the right to be accompanied.

20.2. This meeting will re-consider the issues previously discussed as well as any additional, relevant information such as the most recent medical advice and explore if there are any further options and/or support, which could be put in place, which would improve attendance. An amended **Absence Improvement Plan** may be put in place.

20.3. The outcome of the **2nd Absence Review** meeting must again be confirmed in writing, including the level of improvement required and any support which is to be put in place. The letter should specify that if no improvement is achieved more formal action such as a **Case Review Hearing** could be considered and that the employee’s continued employment could be at risk.

# 21. Case Review Hearing

21.1. A **Case Review Hearing** is a formal hearing where all issues and information relating to an individual’s absence record are considered in an objective, fair and consistent manner.

21.2. A hearing will consider whether there are any further actions that the School can take to assist the employee in continuing their employment and/or improve their attendance at work. In cases where it is felt that an employee may be able to improve their attendance formal action, in the form of a caution, may be issued at a Case Review hearing. **Cautions are not intended to act as a punishment but rather to give the employee a clear idea of what is considered an acceptable level of attendance, reasonable time to achieve and maintain the required level and provide any relevant support to help them achieve this**. Employees have the right to appeal against any caution.

21.3. When taking formal action under the Absence Management Policy**the underlying**  **premise is that the absence is genuine but unfortunately higher than the level that**  **can be reasonably sustained by the School**. Conduct issues such as abuse of the sick pay scheme, or failure to notify sickness correctly without an adequate reason will be dealt with under the **Disciplinary Procedure** as outlined at section 30.

21.4. A table showing the level of authorised officers for Case Review Hearings is included at section 22.

21.5. An employee can be expected to be invited to a **Case Review Hearing**:

1. Where there are continuing concerns regarding the level of absence and the employee has not achieved and/or sustained the required level of improvement despite the implementation of an **Attendance Improvement Plan(s)** and relevant support.
2. Where a long-term period of absence is continuing, there is no indication of a return to work date and the level of absence is such that it appears that it cannot reasonably be sustained.
3. The School’s Occupational Health Service has issued a Permanent Ill Health

Certificate (Support Staff only).

1. Occupational Health advice confirms that an employee is able to return to work and the employee remains absent.

# 22. Level and duration of formal action

22.1. The following time limits for cautions and authorised officers are shown below.

|  |  |  |
| --- | --- | --- |
| **Level of Caution** | **Authorised Officer (Teaching/ Support Staff)** | **Appeal to**  **(Teaching/ Support Staff)** |
| Ist Written Caution    Remains in force for 6 months | Mark Wylam, Deputy Headteacher | Mark Cooper, Headteacher |
| 2nd Written Caution    Remains in force for 12 months | Mark Cooper, Headteacher | Governors Staffing Sub Committee |
| Dismissal | Committee A | Committee B |

# 23. Arranging a Case Review Hearing

23.1. The employee should be informed in writing, of the details of the hearing, giving at least 5 working days written notice to attend. The employee has the right to be accompanied by their Trade Union representative or workplace colleague who does not have a conflict of interest. The letter will include:

1. The names of the people who will be present at the meeting i.e. manager presenting the case and any Human Resource Adviser supporting them, the Hearing Officer/s and any Human Resources Adviser supporting the Hearing Officer/s.
2. The purpose of the hearing.
3. Details of how to submit any evidence the employee wishes to be considered at the hearing.
4. The evidence pack containing all documents to be used at the hearing.
5. Reference that dismissal could be a potential outcome.

23.2. The employee is expected to:

1. Confirm their attendance and who, if applicable, will be accompanying them.
2. Provide any evidence to be presented at the hearing to the Hearing Officer at least 3 working days prior to the hearing.

23.3. When considering any action to be taken the Hearing Officer will consider such issues as:

1. The presentations made by the employee and/or their representative.
2. The need for the work to be undertaken.
3. The impact of the employee’s absence on service delivery.
4. The length of absence.
5. The employee’s absence record.
6. What actions/support has been taken to try to enable the employee to improve their attendance.
7. Medical advice received.
8. Reasonable adjustments that have not already been considered to the employee’s work or working environment if they have a disability covered under the Equality Act.
9. The likelihood of the employee’s attendance improving, taking into account their previous medical history and any information (e.g. medical reports) regarding the position going forward.
10. Any mitigating circumstances.

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

* 1. The employee will be verbally informed of the decision which will be confirmed in writing normally within 5 working days of the Hearing.

# 24. Non-attendance at the hearing

24.1. Where an employee and/or their representative is unable to attend for an acceptable reason and the School has been notified of this, the hearing may be adjourned to a later date, preferably no longer than 5 working days from the date of the original hearing.

24.2. Where an employee is able to attend, but chooses not to, the hearing may proceed in their absence or their representative may attend on their behalf. If the reason for nonattendance is a medical issue, the employee will generally be expected to provide medical evidence that they are unfit to attend the hearing or advice will be sought from the Occupational Health Service.

24.3. The hearing may proceed without the employee or their representative where there have been previous requests for adjournments and/or it seems unlikely that the employee will be able to attend within a reasonable period of time. Any decisions taken will be based on the information available and will be confirmed in writing within 5 working days of the meeting.

# 25. Possible action following a Case Review Hearing

## 25.1. A Final Absence Improvement Plan is implemented

25.2. The details of this will be confirmed in writing and can be referred to in the future if any further concern arises regarding the employee’s attendance at work. The employee will also be informed of the consequences of any future attendance issues, which could be a written/final caution and that their employment could be at risk. **There is no right of appeal against a final Absence Improvement Plan.**

## 25.3. 1st Written Caution and continuation of monitoring

25.4. Where it is considered that a written caution is appropriate, the employee will be made aware of the School’s expectations for their future attendance. The written caution will be retained on the personal file but disregarded after 6 months from the date of the hearing, subject to achieving and sustaining satisfactory attendance. The employee will also be informed of their right of appeal and the consequences of any future attendance issues, which could be a final caution or dismissal.

## 25.5. Final Written Caution and continuation of monitoring

25.6. Where there is a failure to improve attendance at work following a written caution or where the employee’s absence record is considered to justify a final written caution in its own right, the employee will be made aware of the School’s expectations for their future attendance. The written caution will be retained on the personal file but disregarded after 12 months from the date of the Hearing, subject to achieving and sustaining satisfactory attendance. The employee will also be informed of their right of appeal and the consequences of any future attendance issues, which could result in their dismissal

## 25.7. Time limits for cautions

25.8. Cautions should cease to be “live” after the specified time period has elapsed. As part of the School’s fair approach to dealing with absence issues, the School’s Absence Policy enables employees to regain a clean record and the caution will normally be disregarded once the time period of the caution has expired. However, there may be occasions where an employee’s attendance is satisfactory throughout the period that the caution is in force, only to lapse very soon afterwards. Where a pattern emerges and/or there is evidence of abuse, the employee’s absence record can be considered when deciding how long any cautions should last. A decision to dismiss should not be taken on an expired caution but the fact that there is an expired caution may explain why a lesser sanction is not enforced. Consideration should be given to conducting a **2nd Absence Review** meeting or a **Case Review Hearing** to explore once again the reasons for absence etc.

# 26. Dismissal

26.1. Where there is a failure to improve attendance at work following a final written caution or where the circumstances are considered to justify dismissal, the employee’s employment will be terminated with appropriate notice. The employee will be informed of their right of appeal.

26.2. When the decision is made to dismiss the reason will either be on the grounds of medical capability where the employee is currently not medically capable of performing the duties of their post and is unlikely to be able to do so (or that of another suitable alternative post in the School) or for ‘Some Other Substantial Reason’ (SOSR).

26.3. SOSR may be relevant in cases where there has been frequent intermittent absence/and or on-going absence but the employee is not medically incapable of performing their job. In these cases, the reason for dismissal is not related to the employee’s incapability on health grounds but the primary reason for dismissal is on the grounds that the employee’s absence levels are higher than that can be reasonably sustained by the School despite the employee being given the opportunity to improve their attendance. This would then fall under SOSR.

26.4. Decisions to dismiss are managerial, not medical decisions, although they should be informed by current and/or recent medical advice. The School needs to be very clear about the reason for absence and the consequent reason for dismissal. As in all cases of dismissal the School needs to ensure that the decision to dismiss is fair and non-

discriminatory.

26.5. The School must consider alternatives to dismissal, such as reasonable adjustments/and or redeployment before making a final decision to dismiss. It is very important that managers/supervisors follow the School’s procedure and ensure that there has been adequate consultation with the employee and their representative and that all other options have been explored.

26.6. When determining whether a dismissal is fair and non-discriminatory the following points need to have been considered:

1. The nature of the illness.
2. The likelihood of it recurring or some other illness arising.
3. The length of the absences and the periods of good health between them.
4. The School’s need for someone to undertake the work.
5. The cost and impact of the absence on other employees.
6. The adoption and implementation of the School’s policy and procedure.
7. An assessment of the individual case, on its own merits.
8. Relevant employment legislation.

# 27. Alternatives to Dismissal

27.1. Depending on the individual circumstances in any case, it may (subject to the availability of a post, the nature of the position and the employee’s ability to properly undertake it) be reasonable to offer the employee redeployment to another suitable post within the School. Alternatively, reasonable adjustments to the employees existing role should also be considered where the person has a disability covered under the Equality Act.

# 28. Right of appeal against cautions and dismissal

28.1. An employee has the right to appeal against a caution issued at a **Case Review Hearing** and against dismissal. Employees must advise that they wish to appeal in writing, clearly stating the grounds for their appeal, within 5 working days of receipt of the letter giving the decision of the caution/dismissal. Appeals should be submitted to the Hearing Officer/Chair of the hearing panel.

28.2. The employee will be given preferably at least 5 working days’ notice of the date of the appeal hearing in writing. They have the right to be accompanied to the hearing as specified previously. The basic principles in terms of the format of the appeal hearing are the same as for the **Case Review Hearing**. The appeal panel will impartially review the sanction imposed at the hearing.

28.3. Authority for hearing appeals is specified at section 22.

28.4. The employee will normally be informed in writing of the results of the Appeal Hearing within 5 working days of the hearing.

# 29. Suspension on Medical Grounds

29.1. The School may suspend an employee on health grounds. This allows the School to remove the employee from any health and safety risk where there is concern about the employee’s health and their ability to carry out their duties. Advice should be sought from the School’s Occupational Health provider on the ability of the employee to carry out their normal contracted duties and the employee may need to be absent until the medical advice is received.

29.2. The Headteacher/Chair of Governors is responsible for taking any such decision and while the suspension can be verbal it must be confirmed to the employee in writing.

Suspensions will be on full pay and will not normally last more than28 calendar days. If the suspension is to last longer than this the employee must be informed of the reasons why and the expected time frame.

# 30. Disciplinary Issues

30.1. Some cases may be appropriate to be dealt with under the School’s **Disciplinary Procedure**. These are where the issue is around the employees conduct as opposed to their health.

30.2. Some examples are given below; these are not exhaustive:

1. Failure to follow the sickness reporting procedure without an adequate reason.
2. Failure to submit appropriate medical certification/Fit Notes without an adequate explanation
3. Failure to attend Absence Review meetings/Case Review hearings without an adequate reason.
4. Engaging in other employment whilst absent due to sickness (unless the nature of the illness prevents the employee from working in one employment contract but not in others)
5. Abuse of the sick pay scheme i.e. evidence that the employee is absent but not sick.

30.3. Advice should be sought from HR before moving to the Disciplinary Procedure.

# 31. Dealing with long-term sickness absence

31.1. Long-term sickness absence is classed as continuous absence of four weeks or more. When an employee is absent from work due to long term absence it is important that appropriate and supportive contact is maintained between the manager and employee. This is to ensure that the employee does not feel isolated, vulnerable or out of touch and ensure that the manager is able to make arrangements to ensure continued service delivery

31.2. Where an absence is going to continue beyond four weeks, the manager should arrange to meet with the employee at a suitable venue. The details of the meeting should be confirmed in writing. The purpose of the meeting is to;

1. Obtain up-to-date information with regards to the reason for absence and any medication that has been prescribed and/or treatment received.
2. Discuss relevant support - e.g. counselling, etc.
3. Update the employee on any changes at work that have occurred whilst the employee has been absent.
4. Discuss a timescale for a return to work.
5. Agree how contact will be maintained and the frequency of the contact**. In general, it is advised that the manager meets with the employee on a regular basis while they remain on long-term absence.** The frequency of contact will depend on the individual circumstances including length of sick note, nature of illness and likely return to work date.
6. In all cases, especially those which are stress-related and/or due to mental health issues, managers are reminded that contact should be non-judgemental, sensitive and supportive.

* 1. There may be times where a meeting is impracticable or not appropriate due to the nature of the employee’s illness, however the manager should still maintain contact with the employee and agree how contact will be maintained e.g. frequency, place etc. Face to face meetings are always recommended as they enable both the employee and the manager time to fully discuss relevant issues in an informal and supportive way.

* 1. Once an employee has been absent **continually for 4 weeks** and there is no indication of a return to work date an **Absence Review Meeting** should be held, the employee can be represented as outlined previously. The purpose of this meeting is to discuss the reasons for the on-going absence and to consider if any appropriate support could be provided to facilitate a return to work, including a phased return etc. While it may not be appropriate in long term absence cases to issue a caution or absence improvement plan the employee should be made aware that if the absence continues they will be invited to a **Case Review Hearing**. The outcome of the meeting should be confirmed in writing with the details of any agreed support, further meetings etc.

* 1. Consideration should also be given to making a referral to the Occupational Health Service as outlined at section 35, if this has not already been done. There may be circumstances where the referral may not be appropriate at that stage such as the nature of illness or medical treatment, which is underway, however managers should not delay the referral unnecessarily.

* 1. Once a medical report from Occupational Health has been received the manager should make arrangements to meet with the employee and discuss it. Under the Access to Medical Reports Act employees have the right to see the report before it is sent to their manager, Occupational Health will advise the employee of this and issue the necessary form. The employee will also have to give their consent for the details of any medical conditions to be shared with their employer.

* 1. There may be circumstances where it would not be appropriate to hold an **Absence Review Meeting** i.e. serious/terminal illness however in general a meeting at this stage would be beneficial in order that any appropriate support can be considered and the School and employee can plan ahead.

# 32. Permanent Ill Health Retirement

32.1. A **Case Review Hearing** should also be held where the Occupational Health Doctor has issued a certificate of Permanent Ill Health. (Support Staff).

32.2. The access to Ill Health Retirement for teachers can only be granted through Teachers Pensions. Where teachers have been granted Ill Health Benefits through Teachers Pensions, then arrangements should be made to agree a mutual termination date. A Case Review Hearing would not be required where Ill Health Benefits have been granted and a mutual termination date agreed.

# 33. Phased Return to work

33.1. In order to facilitate an employee’s return to work a “phased return” may be appropriate.

This enables employees to return to work initially on reduced hours and/or restricted duties

to ease the transition and facilitate an early return. Medical advice on the suitability of a phased return can be obtained from Occupational Health. Any advice outlined by the GP on the Fit Note should also be taken into account. Consideration should also be given to the possibility of working in another area of the School for a short time if restricted duties are not available in their own area of work. The phased return should not usually exceed **four weeks**, however, in exceptional circumstances this can be extended beyond this.

33.2. Managers will need to consider reasonable adjustments within a phased return for an employee who has a disability covered by the Equality Act. The phased return may need to be for a longer period than that specified above.

33.3. In some cases a phased return may not yet be appropriate but the employee would benefit from some time in the working environment to help them re-adjust and prepare for coming back to work either on a phased return or full time. This may be appropriate if the employee has had a long period of illness or is particularly anxious or concerned about returning to work. In such cases the employee could spend some time visiting the work place for very short periods i.e. a maximum of 1 hour a day but would not be required to undertake any work and they would still be covered by a medical certificate/Fit Note. They can attend team meetings, spend time talking to colleagues about work related subjects or read work related information.

1. **Pay during a phased return**

34.1 Employees will receive full pay once they return to work on a phased return.

# 35. Occupational Health Referrals

35.1. The School’s Occupational Health Service provides up-to-date, professional medical advice to managers to help them make informed decisions about an employee’s health in relation to their work. Referrals can be made for both employees who are absent due to short and long term absence. **Managers do not need to wait until an employee is absent from work or has reached a trigger point before they make a referral to Occupational Health if there are concerns about an employee’s health.**

35.2. Occupational Health can:

1. Advise on how best to manage the case from a medical perspective
2. Give an indication of a likely return to work date.
3. Advise whether the employee has a disability under the Equality Act and recommend reasonable adjustments as appropriate.
4. Advise whether the employee would benefit from a referral to Physiotherapy services or Counselling.
5. Advise whether a phased return to work, temporary alternative work, reduced duties or adjustments would be appropriate.
6. Ask the employee for permission to access information from their doctor or specialist and for permission to disclose relevant information to appropriate management.
7. Approve Permanent Medical Incapacity (Support Staff).

* 1. The employee will be required to give their consent to any specific details relating to a current or previous medical condition being released to their employer. However Occupational Health will provide a medical opinion on the case in as much detail as they can. Management should then consider this information along with any other relevant information such as the nature of the illness, length of absence, ability to provide service delivery while absence continues etc. in order to consider any appropriate action.

* 1. Managers/supervisors should arrange Occupational Health appointments through the Headteacher’s PA.

# 36. Support Available

36.1. Employees who are ill will at times need help and support both while they are absent from work and when they return. The School is committed to taking all reasonable steps to ensure that staff are offered support when they need it, this approach will not only help employees who are sick get back to work but will also help to prevent some staff going off sick in the first place. Dealing with any absence concerns early on in a sensitive manner should ensure that situations are dealt with informally and do not escalate into more serious issues.

# 37. Work Related Stress

37.1. If a manager is concerned that an employee’s absence may be due to work related stress a stress risk assessment should be undertaken with the employee. While primarily concerned with stress arising from the working environment it also recognises that events  occurring in an employee’s personal life may lead to stress and impact on their performance and attendance at work. Information on undertaking a stress risk assessment can be obtained from the Headteacher’s PA.

# 38. Equality Act (Disability Provisions)

38.1. The Equality Act protects employees with disabilities from discrimination and places employers under an obligation to make reasonable adjustments where any provision, criterion or practice places individuals under a substantial disadvantage in comparison to non-disabled employees. Given that the nature and effect of a disability can be very different for individual employees, it is difficult to produce a general policy which caters for every situation. However, the duty under the Act means that, in considering any action under the terms of the Absence Management Policy, account needs to be taken of any disadvantage that the employee concerned may suffer because of his or her disability.

38.2. The definition of ‘disability under the Equality Act 2010 is as follows:

A person has a disability if:

1. they have a physical or mental impairment.
2. the impairment has a substantial and long-term adverse effect on their ability to perform normal day-to-day activities.

38.3. If an employee’s attendance issues are related to a disability, then managers should consider the position carefully and seek advice from HR and Occupational Health in order to determine the most appropriate action to be taken.

# 39. Reasonable Adjustments

39.1. The duty to make **reasonable adjustments** under the Equality Act arises where a provision, criterion or practice applied by the School (or any physical feature of the premises occupied by the School) places a disabled person at a substantial disadvantage compared with people who are not disabled.

39.2. The following are examples of reasonable steps an employer may have to take:

1. Making physical adjustments to the workplace, or adjustments to the employee’s duties/workload.
2. Transferring the disabled employee to another vacant post, with or without reasonable adjustments being made, which is suitable.
3. Altering the disabled employee’s working hours through, for example, part-time working, job sharing or other flexible hours arrangements.
4. Providing special equipment to help a disabled employee to perform his or her tasks and giving training on how to use the equipment.

39.3. In determining whether it is reasonable for an employer to have to take a particular step in order to comply, regard shall be had to:

1. The extent to which taking the step would prevent the effect in question.
2. The extent to which it is practicable for the employer to take the step.
3. The financial and other costs which would be incurred by the employer in taking the step and the extent to which taking it would disrupt activities.
4. The extent of the employer’s financial and other resources.
5. The availability to the employer of financial or other assistance with respect to taking the step.
6. An “Access to Work” grant may be available for help towards any costs arising out of implementing reasonable adjustments. Further information is available at [www.gov.uk.](http://www.gov.uk/)

39.4. Any adjustments need to be implemented as soon as possible and should be agreed with the employee before they are made. It is important that managers/supervisors record and review any adjustments.

# 40. Routine/Non-Urgent Medical/Dental Appointments etc.

40.1. **Routine and non-urgent appointments** are those that are not part of on-going treatment and where employees have control as to when the appointment can be made i.e. dental check up, eyesight test at opticians.

40.2. Generally, such appointments to doctors, dentists, hospitals etc. should be made in the employee’s own time wherever possible.

# 41. Urgent and Continuing Medical Appointments/Treatment

41.1. Where the timing of appointments/treatment is outside an employee’s control, they should discuss the situation with their manager/supervisor and provide supporting medical evidence of the appointment e.g. letter/appointment card for reasonable time off with pay to be considered.

# 42. Pregnancy

42.1. Pregnancy related illness should be treated separately from other kinds of illness and should not count towards an employee’s total sickness record; however, employees absent due to a pregnancy-related sickness will be counted towards Occupational Sick Pay. Absence relating to pregnancy should also not be taken into account when making decisions regarding redundancy or dismissal.

# 43. Elective Surgery/Dentistry

43.1. Elective surgery or dentistry treatment is not considered to be medically necessary unless this has been recommended for medical reasons by the employee’s doctor/specialist. Where an employee chooses to have elective surgery or dentistry within normal working hours, they should seek authority for annual leave or authorised unpaid leave.

# 44. Dealing with grievances

44.1. The requirement to attend an appointment with Occupational Health, a Return To Work Meeting, Absence Review Meeting or Case Review Hearing does not constitute a grievance.

# 45. Monitoring and review

45.1. The School will keep this policy and procedure under review to make sure they are relevant and effective, in consultation with the Trade Unions.