



SICKNESS ABSENCE MANAGEMENT POLICY AND PROCEDURE

This policy/procedure/guidance is written by Worcestershire County Council HR and has been adopted by DOWMAT Board on 26.11.24 to apply to all schools in the DOWMAT. It is to be read in conjunction with the DOWMAT Scheme of Delegation (HR policies and procedures section and Appendix 1.).

Our Vision

'To Love, To Learn, To Serve' sums up the DoWMAT's vision for those who come together to create the MAT, enabling all to flourish both as individuals and in community with each other; living life in all its fullness (John 10:10).



Our Values

To Love

The New Testament sums up the entire law as a call to “love your neighbour as yourself” (Galatians 5:14). The Bible teaches that we are only able to love because God first loved us (1 John 4:10). This love is expected to characterise the way in which the DoWMAT operates, makes decisions, builds relationships, and carries out its day-to-day business: each person putting the needs of others before their own, with a commitment to the flourishing of all. The exposition of love in 1 Corinthians 13 reminds us that love is patient, kind, forgiving, generous, humble, trusting, respectful, hopeful, resilient and enduring. Those who learn and work in the DoWMAT, and all who come into contact with it, can expect to experience that love in the way that they are treated.



To Learn



The DoWMAT is a Christian learning community that is committed to enabling all to live a life of freedom and transformation as a result of the hope and wisdom that learning brings. Learning is at the heart of the Church of England’s vision for and commitment to education. Growing in wisdom is celebrated in the Bible and all are exhorted to listen, to seek guidance, to acquire knowledge and to learn discretion (Proverbs 1: 1-6), largely through human relationships and interactions. Jesus’ teaching, as summed up in the Beatitudes (Matthew 5:3-10), describes human beings who are learning to live a life that is characterised by humility, compassion, mercy, righteousness and peace. The learning that takes place within the DoWMAT is expected to be recognisably rooted in these godly characteristics and focused upon enabling the holistic development of people who are made in the image of God.

To Serve

Service and servant leadership, was a striking feature of the way in which Jesus lived his life. The example he gave to his disciples in washing their feet (John 13:1-17) provides us with a role model for the way in which we should seek to live in community with others. Putting the needs of others before our own, supporting people in their growth and development as holistic human beings, enabling people’s gifts and talents to come to the fore as a result of our service to them are all defining characteristics of the way in which the DoWMAT operates. In serving others and meeting their needs through generosity of spirit, we manifest God’s grace and love for others (1 Peter 4:8-11).



These core values underpin all aspects of our Trust as we strive to make a positive difference to the lives of all DoWMAT pupils whilst they are at school and in later life. Through these values, we can be sure our community is one of hope; a place of transformation and trust, where all are treated with respect and dignity.

OUTSTANDING PROFESSIONALS | COLLABORATIVE PARTNERSHIPS | STRONG SYSTEMS | CONFIDENT LEARNERS

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1. Introduction

- 1.1 The school is committed to supporting achieving high levels of attendance for all employees and will establish effective procedures for promoting health and managing absence.
- 1.2 It is understood that there will be occasions where staff are unable to attend work due to illness and in these circumstances, appropriate support will be provided to staff. There is no expectation that employees will attend work when unfit to do so. However, there is a reasonable expectation that staff will provide regular and reliable service.
- 1.3 This Policy is based upon the ACAS code of practice, incorporates relevant legislation and should be read in conjunction with the Sickness Absence Management Procedure and Guidance documents. It has been agreed following consultation with recognised trade unions and has been adopted by the Governing Body. The Policy is non-contractual and provides a framework for dealing with issues when circumstances arise.

2. Scope

- 2.1 This Policy and corresponding Procedure will be applied taking account of all available information.
- 2.2 This Policy and Procedure applies to all school employees, except for non teaching staff in their probation period.
- 2.3 Please refer to the Probation Policy for staff in their probation period.

3. Equality and Diversity

- 3.1 Equality and diversity underpin all of the school policies and practices and absence will be managed in accordance with the Equality Act 2010. The school promotes equality of opportunity and values diversity among its employees.
- 3.2 Disability-related absences will be managed in a way that does not breach the Equality Act 2010.

4. Key Principles

- 4.1 Absence issues should be handled promptly, sensitively and confidentially. It is recognised that information relating to an employee's health is personal and must be treated as confidential. Discussing an employee's attendance with HR or OH does not constitute a breach of this confidentiality.
- 4.2 All staff should be treated fairly, consistently and in a non-discriminatory manner.
- 4.3 Preventative measures should be adopted where possible to promote health and minimise absence.
- 4.4 In cases of recurrent absence, either short or long-term, the overall level of absence will be taken into account and prompt action is likely to be taken under the relevant procedure. Employees will be reminded of this.

- 4.5 Employees who become disabled during their employment should be given assistance to continue in their employment, in accordance with the Equality Act 2010.
- 4.6 Headteachers and Line Managers should be trained and updated regularly to manage health issues effectively and ensure compliance with policy and legislation.

5. Disability

- 5.1 In accordance with the Equality Act 2010, the school will make reasonable adjustments wherever possible of the working arrangements and environment to accommodate an employee who is/or becomes disabled. For example, considerations of reduced hours, flexible working, phased returns and raising trigger points/discounting some disability related absence.

6. Medical Appointments

- 6.1 As far as possible, it is expected that routine appointments should be made outside normal working time, or outside core working time where covered by flexible working arrangements. Specialist, particularly hospital appointments may need to be an exception to this.
- 6.2 If absence is necessary during normal working hours, it should be authorised by their Headteacher/line manager ahead of the appointment time, with sufficient notice to arrange cover. There should be agreement to make up the lost time where possible and where not, leave should be paid (normally up to 3 days per school year). Otherwise, time out will be unpaid. Absence for attending medical appointments will be recorded as such and not as sick leave.
- 6.3 In cases of medical/dental emergency, the employee should contact their Headteacher/line manager as soon as possible and will be allowed sufficient paid leave to receive appropriate treatment.
- 6.4 If a member of staff has a disability, the frequency of necessary medical appointments may exceed the suggested maximum number of days. The school recognises its responsibilities under the Equality Act 2010 and the need to consider paid leave where appropriate.
- 6.5 If it becomes necessary to attend regular routine appointments not linked to disability, alternative working arrangements, either temporary or permanent, must be considered which enable such attendance outside normal working hours.
- 6.6 Pregnant employees have the right to take time off for appointments made on the advice of GP/midwife for the purpose of ante-natal care. See also 'Leave of Absence and Special Leave Guidance' regarding rights for time-off for partners attending ante-natal appointments.
- 6.7 If a medical appointment is linked to a national screening programme or Occupational Health referral or required because of service needs (for example Hepatitis B vaccination in high-risk jobs) paid leave may be granted for an appointment during working hours.

- 6.8 Where an appointment is necessary for minor surgery or invasive investigations (non-elective) paid leave should be granted.
- 6.9 If following medical appointments an employee is unable to attend work due to sickness, the whole period will be recorded as sickness absence and normal procedures apply.

7. Headteacher Absences

- 7.1 When a Headteacher is absent from work for medical reasons he/she should notify their workplace and Chair of Governors that they are unable to attend for duty due to illness.
- 7.2 The Chair of Governors should manage the absence and agree contact/return to work arrangements.

8. Right to be accompanied

- 8.1 Employees have the right to be represented by a trade union official or accompanied by a work colleague at a formal meeting and/or appeal meeting to consider where an employee's level of absence impacts on the expected standard of attendance.
- 8.2 The companion is allowed to address the formal meeting, to put and sum up the employee's case, respond on their behalf to any views expressed at the formal meeting and confer with them during the formal meeting. They may also request an adjournment and ask questions of anyone present. The companion does not have the right to answer questions on the employee's behalf, address the formal meeting if the employee does not wish it or prevent the employer from explaining their case.
- 8.3 A formal meeting and/or appeal should not be unreasonably delayed because their chosen companion is unavailable. If an employee's companion is not available at the time a meeting is scheduled, the meeting can be postponed to a time proposed by the employee providing the alternative time is reasonable and not more than five working days after the date originally proposed.
- 8.4 Where the companion will not be available for more than 5 working days afterwards, the school may ask the employee to choose someone else.
- 8.5 Consistent with the fact that formal sickness/attendance meetings and hearings in respect of this policy are internal proceedings, external representatives such as solicitors or family members, will not be permitted to attend.
- 8.6 Where the companion is an employee of the school, they may have reasonable time off to fulfil the responsibility including time to confer with the employee before and after the hearing and covering attendance at the formal meeting and/or appeal

9. Notification and Certification of Absence

All employees must notify the school of their sickness absence, the reason and the likely duration, as soon as possible, in accordance with the school's notification procedures.

9.1 Employees should provide an explanation of the absence and where possible, an indication of likely return date. Where an employee becomes ill during the school day and leaves the school site, they must inform their Headteacher/line manager before doing so.

9.2 If an employee fails to notify the school without good reason, this may result in disciplinary action and/or loss of sick pay.

9.3 Both the school and employee should maintain contact during absence. It is expected that the employee will keep the school updated on the nature and duration of their absence and provide timely certification as necessary.

9.4 If an employee fails to provide timely notification of their absence without good reason this may lead to disciplinary action and/or loss of pay. Employees should be made aware if this is being considered.

9.5 Employees must provide appropriate certification of absence. Self-certificate from day one up to 7 calendar days of absence (see appendix 2). A medical certificate 'fit note' is required for absences of 8 calendar days or more.

9.6 Failure to produce a 'fit note' within one week of this being due without good reason may result in a loss of sick pay. Where such action is being considered, employees will be notified prior to any pay being withheld.

9.7 Full year only staff who become ill during the course of annual leave are eligible to reclaim those days affected as long as they have followed the proper reporting procedures. The school may also request evidence such as a GP certificate. Where an employee is absent due to sickness on a Bank Holiday, they will receive sick pay as normal, but no substitute days will be granted.

9.8 An employee who is absent for a whole year due to sickness may carry forward up to 4 weeks statutory annual leave (pro-rata for part-time staff). Any carry forward would include the 5 days maximum (pro-rata for parttime staff) permitted- in the Annual Leave guidance.

10. Occupational Health/further medical advice

10.1 A referral to Occupational Health or further medical advice will be considered when dealing with any sickness absence/concerns; this will be for the school to arrange if they determine a referral is appropriate.

10.2 If an employee refuses to provide consent to be referred or fails to attend appointments without good reason, they should be made aware that refusal to co-operate may have an impact on employment decisions, which will be made without the benefit of medical advice.

11. Conduct During Absence

- 11.1 If an employee is absent due to sickness, the expectation is that the employee will not engage in any activities which will not support their recovery. Employees should take steps to ensure they recover fitness and return to work as quickly as possible. This includes following medical advice.
- 11.2 Where an employee is off sick, they should not undertake any other private work without the express prior written agreement of the school and subject to appropriate medical advice (*reference Code of Conduct section 5*). Failure to do so may result in disciplinary action. Such work should not hinder the recovery of the employee for their work at school.

12. Fitness to Return/Medical Suspension

- 12.1 Following absences of more than a week, a medical certificate should be provided and should confirm that an employee is not required to see their GP again or that they are fit for work, taking into account certain advice.
- 12.2 If a member of staff intends to return to work following a period of sickness absence, having been assessed as fit by their own GP or not and the Headteacher has concerns that they are not yet fully fit, a second opinion from the Occupational Health provider or employee's GP can be sought.
- 12.3 In such circumstances the employee is likely to be encouraged to go home and make an appointment with their GP. If the employee refuses and there is such concern about their health that it is considered that they or the health, safety, welfare or education of others may be at risk, the Headteacher can take emergency action and consider medically suspending the member of staff. The same applies for employees who have remained at work but where similar concern exists. In these circumstances HR Consultancy for Schools should be contacted for advice. Where appropriate an urgent appointment will be arranged for the employee to see an Occupational Health Adviser/medical adviser.
- 12.4 If an employee is suspended in these circumstances, he/she will receive their full pay for the period of the suspension. This period will not be recorded as sick leave or count against their contractual sickness leave entitlement. The suspension may only be lifted by the Governing Body.
- 12.5 On receipt of medical advice, if the employee is fit to return the suspension should end immediately with the employee's agreed return to work date. If unfit to work, suspension should end and the whole period recorded as sickness absence which will then count against the employee's contractual sickness entitlement.

13. Return to Work Discussion

- 13.1 The school will aim to hold a Return-to-Work discussion with all employees as early as possible when they return from any period of sickness absence, regardless of the duration or nature of absence. This brief meeting (with the line manager) is to check that they are well, update them on anything that has happened in their

absence, offer any support and clarify expectations. The return-to-work form can be found in appendix 2.

14. Pension Benefits

- 14.1 If an employee is either a member of the Teachers' Pension Scheme or the Local Government Pension Scheme, they can obtain information about ill-health retirement and possible enhancements to pension benefits from the Worcestershire Pension Fund or the Teacher Pensions who can also provide, at an employee's request, a confidential estimate of their pension benefits. The school will support applications as far as possible.

15. Sickness Records/Data Protection

- 15.1 All absences should be accurately recorded and reported to payroll providers promptly. All sickness records should be maintained on the employee's school personal file and held in accordance with data protection statutory compliance.

16. Termination of Employment

- 16.1 The school is committed to ensuring that all reasonable efforts are made to retain employees, however there are occasions where this may have been exhausted and the Headteacher/Governors must consider dismissal. This may occur where:
- the employee is permanently unfit to undertake the duties of their post or another suitable post;
 - the employee is medically incapable of undertaking their duties and redeployment opportunities cannot be secured;
 - the employee is unable to provide regular and reliable service and is unable to attend work sufficiently to fulfil their contract.
- 16.2 Where there is an underlying medical reason, dismissal will normally be for reasons of medical incapability. Notice on full pay will be issued where there is a decision to dismiss an employee for that reason.

17. Sick Pay

- 17.1 Employees who are absent due to sickness are entitled to receive payment according to the relevant sick pay scheme for teachers or support staff.
- 17.2 Subject to the provisions of the relevant Conditions of Service, i.e. the Burgundy and Green Books, employees are entitled to receive contractual sick pay in any 12-month period on the following basis:

SUPPORT STAFF

During 1st year of service	-	1 month's full pay and after completing 4 months service 2 months half pay;
during 2nd year of service	-	2 months full pay and 2 months half pay;
during 3rd year of service	-	4 months full pay and 4 months half pay;
during 4th and 5th years of service	-	5 months full pay and 5 months half pay;
after 5 years' service	-	6 months full pay and 6 months half pay.

TEACHING STAFF

During 1st year of service	-	full pay for 25 working days and, after completing 4 months' service, half pay for 50 working days;
during 2nd year of service	-	full pay for 50 working days and half pay for 50 working days;
during 3rd year of service	-	full pay for 75 working days and half pay for 75 working days;
during 4th and successive years	-	full pay for 100 working days and half pay for 100 working days.

17.3 For the purposes of calculating allowances payable for teaching staff, the year will begin on 1st April and end on 31st March the following year.

17.4 Contractual sick pay irrespective of whether it is at full or half pay will be calculated to include actual salary and all contractual payments and allowances.

17.5 Contractual sick pay for casual workers will be calculated the same as other school employees using the average number of hours worked for the 13 weeks prior to the sickness episode start date as its basis.

18. Absence Management Procedure

18.0 Absence Trigger Points

18.1 Defined as a period of sickness absence which lasts for less than 4 weeks. Usually, this type of absence is of short duration of up to 7 days. This could also be repeated cycles of long-term sickness absence followed by either short-term sickness absences or by several weeks/months' full attendance.

18.2 As a guide, 'trigger' points which should prompt a review of absence, but not necessarily result in action being taken:

- 5 episodes of sickness absence in a rolling 12-month period.
- 2 absences in any one term.

- 10 or more working days (pro-rata for part-time staff); or
 - any other recurring patterns of absence which give rise to concern, for example absences Monday/Fridays, before/after school holidays or deadline dates.
- 18.3 Where a support member of staff is in their probationary period and absence is of a concern, this should be dealt with under the Probationary Procedure.
- 18.4 Where an employee has been subject to an Attendance Improvement Notice, a First Attendance Improvement Warning or a Final Attendance Improvement Warning and has hit another one of the above triggers within a 2-year period of receiving the notice or warning, the school may proceed to the next formal stage.

19. Informal Absence Management – Return to Work Meeting

- 19.1 After every absence the employee's Headteacher or line manager should conduct a return-to-work meeting, giving a copy to the employee and retaining the original. This should take place as soon as is reasonably practicable, ideally on the day that the employee returns to work and be proportionate to the circumstances.
- 19.2 The return-to-work meeting is an important aspect of informally managing sickness absence and providing support and guidance to the employee. During the return to work meeting the Headteacher or line manager will go through the reasons for the absence and identify if there are any additional circumstances that should be considered. They should also take account of the advice in the fit note, perform any relevant safety procedures, and consider whether a risk assessment is necessary.
- 19.3 The purpose of the return-to-work meeting is to:
- Identify the cause of the absence.
 - Discuss the absence and explore reasons for it, including whether absence was work or pregnancy, disability or menopause related. Please note that any absence related to pregnancy including miscarriage, should be excluded for the purposes of sickness monitoring.
 - Update the employee on any workplace or workload issues, during their absence.
 - Explore ways to resolve any problems and well-being, which might improve healthy attendance, by taking medical or such other advice as required, including compliance with the working time directive and monitoring of work/life balance. The Head teacher or nominated representative should explain the range of appropriate occupational health and counselling services available.
 - Consider any information provided on any fit-note, including any advice given by the GP to determine whether the employee is fit return to work and whether any adjustments or support are necessary.
 - Ensure the employee understands the school's commitment to high levels of healthy attendance.

- When the absence levels get close to and/or reach the absence review points (5.1), the Headteacher or line manager should also explain that they are concerned about the level of absence.

20. Informal Stage – Attendance Management Meeting

- 20.1 Where the level of absence hits one of the trigger points outlined above (18.2), the employee will be invited to attend an informal absence monitoring meeting.
- 20.2 The Headteacher or line manager should send a written invitation to the employee to attend the meeting explaining its purpose. The employee should be given 2 working days' notice of the meeting.
- 20.3 The purpose of the meeting is to:
- explain the Headteacher's or line manager's concern at the level of absence,
 - explore the reasons for the absence,
 - explore ways to resolve any problems, which might improve attendance, by taking medical or such other advice as required. The Headteacher should explain the range of appropriate OH and wellbeing support available, and consider referring the employee to OH at this stage,
 - consider making reasonable adjustments to the employee's job (including temporary redeployment) to accommodate their short-term requirements where the employee may be considered disabled under current equalities legislation,
 - consider issuing an Attendance Improvement Notice to the employee regarding their absence which will stay on file for 12 months.
- 20.4 Where possible, the Headteacher or line manager should communicate the outcome to the employee at the meeting.
- 20.5 The outcome should be confirmed in writing, normally within five days of the meeting. If the decision is to notify the employee of the Headteacher's or line manager's concern at the level of sickness absence, the letter will explain that an improvement is required, that attendance will be monitored over the next twelve months, and that persistent short-term absence could put continued employment at risk.

21. Formal Stage 1 Meeting

- 21.1 Meeting called where an employee has been subject to an Attendance Improvement Notice and has hit one of the above triggers (18.2) during the period of the notice.
- 21.2 The Headteacher or line manager should send a written invitation to the employee to attend the meeting explaining its purpose and that they have the right to be accompanied by a trade union representative, or work colleague. The employee should be given 5 working days' notice of the meeting.

21.3 The purpose of the meeting is to:

- explain the Headteacher's or line managers concern at the level of absence,
- explore the reasons for the absence,
- explore ways to resolve any problems, which might improve attendance, by taking medical or such other advice as required. The Headteacher or line manager should explain the range of appropriate OH and wellbeing support available, and consider referring the employee to OH at this stage,
- consider making reasonable adjustments to the employee's job (including redeployment) to accommodate their requirements where the employee may be considered disabled under current equalities legislation,
- consider issuing a First Attendance Improvement Warning to the employee regarding their absence which will stay on file for 12 months. Where neither a First Attendance Improvement Warning or taking no action is appropriate, an Attendance Improvement Notice could be extended for a period of up to 12 months. Any extension to a notice would be considered on a case-by-case basis.

21.4 The outcome should be confirmed in writing, normally within five days of the meeting. If the decision is to extend an Attendance Improvement Notice or issue a First Attendance Improvement Warning, the letter will explain that an improvement is required, that attendance will be monitored over the next twelve months, and that persistent short-term absence could put continued employment at risk. The employee has the right of appeal within 10 working days of the meeting which will be detailed in the outcome letter.

21.5 If the employee has not already been referred to Occupational Health, this should be considered now. If the Headteacher or line manager decides that there are grounds for referring the employee to OH he/she may seek the advice of Schools HR Consultancy before making a referral. Referrals may be made at this stage where it is believed that the employee may have a medical problem where assistance or adjustments may be required to help them return to an acceptable level of attendance, where there is concern that the reasons for absence are not genuinely medically related, or to help determine whether further absences are likely if the employee has an underlying condition.

22. Formal Stage 2 Meeting

22.1 Meeting called where an employee has been subject to a First Attendance Improvement Warning and has hit one of the above triggers (18.2) during the period of the warning.

- 22.2 The Headteacher or line manager should send a written invitation to the employee to attend the meeting explaining its purpose and that they have the right to be accompanied by a trade union representative, or work colleague. The employee should be given 5 working days' notice of the meeting.
- 22.3 The purpose of the meeting is to:
- explain the Headteacher's or line managers concern at the level of absence,
 - explore the reasons for the absence,
 - explore ways to resolve any problems, which might improve attendance, by taking medical or such other advice as required. The Headteacher or line manager should explain the range of appropriate OH and wellbeing support available, and consider referring the employee to OH at this stage,
 - consider making reasonable adjustments to the employee's job (including redeployment) to accommodate their requirements where the employee may be considered disabled under current equalities legislation,
 - consider issuing a Final Attendance Improvement Warning to the employee regarding their absence which will stay on file for 12 months. Where neither a Final Attendance Improvement Warning or taking no action is appropriate, a First Attendance Improvement Warning could be extended for a period of up to 12 months. Any extension to a notice would be considered on a case-by-case basis.
- 22.4 The outcome should be confirmed in writing, normally within five days of the meeting. If the decision is to extend a First Attendance Improvement Warning or issue a Final Attendance Improvement Warning, the letter will explain that an improvement is required, that attendance will be monitored over the next twelve months, and that persistent short-term absence could put continued employment at risk. The employee has the right of appeal within 10 working days of the meeting which will be detailed in the outcome letter.
- 22.5 If the employee has not already been referred to Occupational Health, this should be considered now. If the Headteacher or line manager decides that there are grounds for referring the employee to OH he/she may seek the advice of Schools HR Consultancy before making a referral. Referrals may be made at this stage where it is believed that the employee may have a medical problem where assistance or adjustments may be required to help them return to an acceptable level of attendance, where there is concern that the reasons for absence are not genuinely medically related, or to help determine whether further absences are likely if the employee has an underlying condition.

23. Formal Stage 2 Review Meeting

- 23.1 Meeting called where an employee has been subject to a final attendance improvement warning and has hit one of the above triggers (18.2) during the period of the warning.

- 23.2 The Headteacher or line manager should send a written invitation to the employee to attend the meeting explaining its purpose and that they have the right to be accompanied by a trade union representative, or work colleague. The employee should be given 5 working days' notice of the meeting.
- 23.3 The purpose of the meeting is to:
- explain the Headteacher's or line managers concern at the level of absence,
 - explore the reasons for the absence,
 - explore ways to resolve any problems, which might improve attendance, by taking medical or such other advice as required. The Headteacher or line manager should explain the range of appropriate OH and wellbeing support available, and consider referring the employee to OH at this stage,
 - consider making reasonable adjustments to the employee's job (including redeployment) to accommodate their requirements where the employee may be considered disabled under current equalities legislation,
 - consider whether the employee should be forwarded on to a Dismissal Decision Hearing, chaired by a panel of governors. Where neither a dismissal decision hearing or taking no action is appropriate, a Final Attendance Improvement Warning could be extended for a period of up to 12 months. Any extension to a warning would be considered on a case-by-case basis.
- 23.4 The outcome should be confirmed in writing, normally within five days of the meeting. If the decision is to extend a Final Attendance Improvement Warning, the letter will explain that an improvement is required, that attendance will be monitored over the next twelve months, and that persistent short-term absence could put continued employment at risk. The employee has the right of appeal within 10 working days of the meeting which will be detailed in the outcome letter.
- 23.5 If the outcome is to forward the employee on to a dismissal decision hearing, the outcome letter will state this and an invite to the dismissal decision hearing will follow.
- 23.6 If the employee has not already been referred to Occupational Health, this should be considered now. If the Headteacher or line manager decides that there are grounds for referring the employee to OH he/she may seek the advice of Schools HR Consultancy before making a referral. Referrals may be made at this stage where it is believed that the employee may have a medical problem where assistance or adjustments may be required to help them return to an acceptable level of attendance, where there is concern that the reasons for absence are not genuinely medically related, or to help determine whether further absences are likely if the employee has an underlying condition.

24. Formal Stage 3 Meeting – Dismissal Decision Hearing

- 24.1 The school should send a written invitation to the employee to attend the Dismissal Decision Hearing, giving a minimum of five working days' notice.

- 24.2 The hearing would be heard by a panel of governors who will be advised by a member of the Schools HR Consultancy.
- 24.3 The letter should explain the purpose of the meeting and that they have the right to be accompanied by a trade union representative, or work colleague. It should inform the employee that that dismissal on grounds of capability is a potential outcome of the meeting.
- 24.4 The hearing will take into account the following factors as relevant to each case;
- Details and reasons for the employee's absences from work.
 - how soon and likely attendance will improve,
 - the effect of the absence on the school,
 - how similar cases have been dealt with in the past, whilst considering the individual factor pertinent to each case
 - the requirements of current equalities legislation and;
 - whether the absence has been caused by injury at work, including assault.
- 24.5 Possible outcomes of the hearing are to:
- seek agreement from the employee to obtain further information on the issue of capability or additional independent medical advice where there is a conflict of medical opinion (in which case the hearing will be adjourned and reconvened at a later date and where on receipt of the advice the panel of governors will make a decision based on all the evidence),
 - extend the Final Attendance Improvement Warning for up to 12 months. Any extension to a warning would be considered on a case-by-case basis.
 - dismiss the employee on the grounds of capability, with notice.
- 24.6 Where possible, the outcome of the meeting should be communicated to the employee at the meeting, following an adjournment. It should be confirmed in writing to the employee, normally within five working days.
- 24.7 The employee has a right of appeal within 10-working days of the meeting. Any appeal would be to a panel of governors.

25. Long-term Sickness Absence – Definition

- 25.1 Long-term sickness is defined as a period of sickness absence which lasts 4 or more weeks. This could also be repeated cycles of long-term sickness absence followed by either short-term sickness absences or by several weeks/months' full attendance.
- 25.2 Headteachers/line managers should review the situation once the employee has been off sick for one month and as appropriate thereafter. This may involve a

discussion with the employee and/or taking advice from HR Consultancy for Schools.

26. Contact

- 26.1 Maintain contact with the employee whilst they are absent; this is important to fulfil your duty of care, to find out how they are, establish the likely length and nature of absence with the employee and keep them updated with what is happening at school if they wish to know. It may be useful to agree the frequency and method of contact with the employee.

27. Case Review meeting

- 27.1 At least one should be held within 3 months of absence and can be held at any stage during the long-term procedure, to review the health and absence situation, consider latest medical advice and possible next steps. The employee may be accompanied by a trade union representative or colleague. A HR Consultant may also be present.
- 27.2 Consider whether/when an Occupational Health referral would be useful as a supportive measure and to obtain expert medical advice and whether the employee would benefit from offering confidential counselling or any adjustments.
- 27.3 If long-term sickness absence appears to have been triggered by the commencement of formal capability/conduct procedures, medical advice may be sought about the impact of the one on the other.
- 27.4 Once the medical opinion has been received, consideration will be given to the issues raised, usually discussed at a meeting for that purpose/Case Review meeting.
- 27.5 Possible outcomes of a Case Review include: an agreed return date; adjustments being arranged; further review; consideration of alternative employment; of ill-health retirement; or of dismissal, taking account of all factors, balancing out individual and operational needs.
- 27.6 The number of reviews and length of time between each review will depend on the individual circumstances of any one case. HR Consultancy for Schools will advise upon the above considerations. It is important to act reasonably in all the circumstances. It is also important that an individual who has been absent for a long period is offered support to help them to return to work.

28. Phased-return

- 28.1 With regards to return to work, account should be taken that an employee who has been absent for a long period may need extra support and flexibility to help them settle back into work. A phased return, allowing a return to work initially on a reduced hours/duties basis should be considered if appropriate, but should be

meaningful to both parties. Employees should be fit to return at that point and the purpose of a phased return is to rebuild stamina in the role.

- 28.2 Details of the phased return should be agreed and kept under review. Usually, the employee should work at least half their contracted hours/duties at the outset, building up to full normal hours/duties, although the pattern of attendance may vary and should increase from week to week. The phased return should not normally exceed 4 weeks (or exceptionally up to 3 months). Where hours are required to be reduced beyond this period, the employee's contract the school should consider either a temporary or permanent reduction of hours.
- 28.3 Any arrangements must be clear and should be confirmed in writing. Ensure that accurate records are kept of any risk assessments and return to work meetings.
- 28.4 During a phased return, the employee is paid normal pay for when they are at work and sick pay (at the appropriate level – full/half/nil) for when they are not at work and you will need to ensure that School Employee Services (SES) or your school's payroll provider are informed so that they can correctly record sick pay entitlements. The hours not worked should continue to be recorded as 'sickness absence' and the hours worked as 'phased return'.

29. Fit Notes and Return to Work

- 29.1 Following an extended period of sickness absence an employee may request, or their doctor/Occupational Health may recommend, a return to work with certain considerations. The 'fit notes' allow two options. The GP can either state that the employee is not fit to work or they can state that the employee may be fit for work taking account of advice on the note. The advice may include phased return/altered hours/amended duties/workplace adaptations.
- 29.2 It is still possible to make such arrangements with an employee without formal advice from the GP. However, in some cases, HR may wish to seek further clarification from Occupational Health/doctor.
- 29.3 If it is not operationally practicable to make the adjustments advised or you feel that it is not appropriate for your employee to return to work at that stage, then you need to explain the reasons to the employee and then treat the Statement as if it were a 'not fit for work' statement. The recommendations from a GP are not binding on employers.
- 29.4 Where an employee is signed unfit to work, the GP will indicate whether or not they wish to assess the fitness again at the end of the period. If the employee regains fitness and wishes to return to work before the end of the Statement period they may do so (unless you have grounds to believe they are not fit to work). The employee will not need to return to their GP to be 'signed fit'. It is not advisable for employees to return earlier where the GP has indicated they need to assess fitness again.

30. Dismissal Decision Hearing

- 30.1 If at the end of this review the Headteacher/line manager considers dismissal may be appropriate, it will be necessary to convene a hearing, before a panel of Governors or a Governor(s)/Headteacher who has been granted delegated authority to dismiss by the Governing Body, to consider the matter. Any such hearing is likely to take place within 12 months of the period of absence commencing. This includes an opportunity for the employee to make representations against dismissal. Employees must be given at least 5 working days' notice of this hearing, in writing with copies of any supporting documentation, including the Headteacher's report. The employee has the right to be accompanied at the hearing by a colleague or trade union representative.
- 30.2 The decision maker(s) hearing the case, having considered all relevant factors, must then determine whether, in the light of information presented/available, the employee should cease to work at the school. The employee will normally be informed of the panel's decision at the end of the hearing and the decision will be confirmed in writing within 5 working days of the hearing.
- 30.3 Any appeal against a decision to dismiss will be carried out in accordance with the procedure.
- 30.4 In the case of ill-health retirement, under the LGPS regulations employees must be dismissed in order to release their pension benefits. If an employee has been certified permanently medically unfit to work, they may not wish to contest a recommendation to dismiss and do not have to attend; HR Consultancy for Schools will advise on the process. Where the medical evidence does not support permanent incapability alternatives will need to be discussed.

31. Appeals

- 31.1 Employees wishing to appeal against a decision that confirms their dismissal, should do so in writing setting out the grounds on which they are appealing, within 10 working days of receiving the written confirmation to the clerk to governors.
- 31.2 The Headteacher or panel of governors (who have not had previous involvement in the case) will hear the appeal. Where an appeal relates to a dismissal, this should always be heard by a panel of governors. The Headteacher/Line Manager should also be present to explain their case. The employee should present their case, and ask questions where applicable. The intention is that all aspects of the employee's circumstances are considered as well as the requirements of the organisation before a decision is made.

- 31.3 The employee must submit any documentation for the appeal at least three working days before the hearing to the clerk to governors.
- 31.4 The appeal hearing will normally be conducted as follows, with the Headteacher or panel of governors advised at the appeal by a member of the Schools HR Consultancy:
- The Headteacher or chair of the panel will introduce the participants and their roles, check that everyone has the correct documentation and explain what is going to happen.
 - The employee (and/or their representative) will present their case to the Panel. The Headteacher and/or panel members, including the Schools HR Consultancy representative supporting the panel, will have the opportunity to ask any questions.
 - Where the appeal relates to a dismissal, the Head teacher will put the case to the Panel. The employee (and/or their representative) and the Governor Panel, including the Schools HR Consultancy representative, will have the opportunity to ask questions.
 - Both sides will sum up their cases (no new information can be introduced at this stage).
 - Both sides will adjourn while the panel considers the information and makes their decision.
 - The chair of the panel will ask both sides to return and inform the employee of their decision.
 - Appeals will be conducted in a manner which takes account of the potential distress for the employee.
- 31.5 The Headteacher or appeal panel should confirm the outcome in writing, normally within 5 working days of the appeal hearing.
- 31.6 In the event of new medical information being presented by the employee the appeal hearing may be adjourned pending further advice from OH.
- 31.7 The Grievance Procedure should not be used for appeals against attendance decisions. If, however, an employee has a complaint about the behaviour of the Headteacher, nominated representative or appeal panel during the course of a managing attendance process, they may raise it as a grievance which will be heard by the Chair of Governors. If necessary the managing attendance process may be suspended for a short period until the grievance can be considered. If appropriate, another Senior Leader may be brought in to complete the managing attendance process.

32. Policy Review

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