

## ABSENCE MANAGEMENT PROCEDURE

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## Section 1. General Principles

### **1. Introduction**

- 1.1 The Two Counties Trust is committed to creating a positive and healthy working environment. The Trust acknowledges that from time to time employees may become ill and as a consequence be unable to attend work. Employees who are absent from work due to sickness or injury will be treated with consideration and respect and every reasonable effort will be made to assist them in their recovery in order to make and sustain a return to work. The needs of the individual suffering from ill health must however be balanced against the needs of the School / Academy / Trust and most importantly the students.
- 1.2 When implementing this procedure Headteachers and managers should give consideration to a range of factors and take advice as required as particular circumstances may apply to employees who:
- are pregnant or have recently given birth;
  - are considered to be disabled as defined by the Equality Act 2010;
  - are suffering from a terminal illness;
  - are absent due to one-off operations.
- 1.3 Absence from work is classified as either short term, long term (4 consecutive weeks or more), or in rare cases absence is due to a terminal illness. These forms of absence are treated differently and in accordance with the prevailing circumstances as outlined within this procedure.
- 1.4 Consideration will also be given to:
- patterns of absence (if any);
  - the employee's previous attendance history;
  - whether the absence was related to an accident at work;
  - other relevant factors which could be impacting on the employee's attendance;
  - if reasonable adjustments are required to enable the employee to remain at work and maintain a good level of attendance.
- 1.5 The Trust is committed to the health and welfare of employees and as such managers may initiate a conversation with an employee who is not absent from work, but whose health is a cause for concern so that appropriate support can be provided if required.

### **2. Responsibilities**

- 2.1 Headteachers are responsible for ensuring that:
- resources are in place to enable absence to be recorded accurately and in line with Trust requirements in order to comply with this procedure;
  - attendance levels are monitored and analysed monthly;
  - absence is proactively managed in accordance with this procedure;
  - advice is taken from Human Resources / Occupational Health as relevant to inform decision making;
  - sick pay entitlement is accurately managed and reported to payroll in a timely matter.
- 2.2 Managers are responsible for:
- discussing absence with team members to ensure there are no underlying issues;
  - providing support to employees to enable good levels of attendance at work;
  - arranging and conducting meetings and discussions as set out in this procedure;
  - maintaining records of meetings as set out in this procedure;
  - keeping in contact with absent employees
- 2.3 Employees are responsible for:
- taking steps to maximise their attendance at work;
  - improving attendance should attendance fall below acceptable levels as set out in this

procedure;

- complying with this procedure;
- attending any meetings called in accordance with this procedure;
- attending an Occupational Health assessment on request, noting that a refusal to attend can result in decisions being made without the benefit of medical advice;
- completing self-certification / return to work proformas immediately on return to work;
- providing consecutive Statements of Fitness for Work (fit notes) in good time when signed off as unfit for work by a medical practitioner.

2.4 Human Resources is responsible for:

- advising and supporting the Headteacher / nominated manager in the application of this procedure;
- attending and advising at meetings / hearings and appeal hearings as required;
- providing appropriate training on the implementation of this procedure;
- ensuring that this procedure is reviewed and remains up to date;
- providing template letters;
- overseeing Occupational Health and associated provision, including absence referrals as required.

### 3. Reporting Absence

3.1 **Action to be taken on the first day of absence.**

- 3.1.1 Employees must contact their School / Academy in accordance with local procedures.
- 3.1.2 Notification of absence by e-mail or text is not normally acceptable, however in exceptional circumstances (e.g. immediate hospitalisation) other notification arrangements such as an e-mail or telephone call by a third party are acceptable.

3.2 **Action to be taken on each day of absence.**

- 3.2.1 Employees must contact their School / Academy every day they when they intend to be absent in accordance with their School / Academy procedure if they have not already submitted a statement of fitness for work which covers their current absence.

3.3 **Action to be taken after 7<sup>th</sup> day of absence**

- 3.3.1 In the case of continued absence in excess of 7 consecutive days (including weekends) where absence may have been caused by an accident or injury at work the School / Academy will comply with the Reporting of Injuries, Disease and Dangerous Occurrences Regulations (RIDDOR).
- 3.3.3 A statement of fitness for work (known as a fit note) completed by a qualified medical practitioner, such as a GP or hospital consultant must be obtained by the employee from the 8<sup>th</sup> day of absence (including weekends). Fit notes must be sent immediately to the School / Academy to ensure continuity of sickness absence and sick pay (where applicable).
- 3.3.4 Subsequent fit notes must be submitted if the absence continues beyond the initial period and must be supplied to the School / Academy upon expiry of the previous fit note to ensure continuity of sickness absence and sick pay (where applicable).

### 4. Self-Certification / return to work proformas and Statements of Fitness for work.

- 4.1 In all cases, sickness absence from 1 to 7 days (including weekends) will require the employee to complete a self-certificate / return to work proforma immediately upon return to work.

- 4.2 For absences lasting more than 7 days including weekends, a statement of fitness for work (fit note) completed by a qualified medical practitioner such as a GP or hospital consultant must be obtained by the employee from the 8<sup>th</sup> day of absence and sent immediately to the School / Academy, as should any subsequent fit notes to ensure continuity of sickness absence and sick pay (where applicable).

#### 5. Failure to comply with notification procedures and / or provision of certificates.

- 5.1 Employees are expected to co-operate in ensuring that sickness absence is managed in accordance with this procedure.
- 5.2 Employees must follow the procedure for reporting absence in order to qualify for sick pay. If employees are unsure of expectations they should immediately seek clarification from their manager.
- 5.3 Failure to complete a self-certification / return to work proforma on return to work may result in a loss of pay for the period of the absence.
- 5.4 Failure to forward a fit note during absence without good reason (for example emergency hospitalisation) may result in a loss of pay for the period of the absence.
- 5.5 Failure to maintain contact during long term absence / failure to provide fit notes will normally result in the absence being treated as unauthorised and the employee classed as Absent Without Leave (AWOL).

#### 6. Returning to work following absence

- 6.1 Employees will be expected to return to work on the expiry of a fit note unless they inform the School / Academy to the contrary and provide a fit note to extend the current period of absence.
- 6.2 If an employee wishes to return to work before the expiry of their fit note where they have been signed off as not fit to work they may do so, subject to our agreement that they are fit or adjustments can be made to support their return. Employees may be asked to obtain a notice of being fit for work with adjustments from their medical practitioner before returning to work.
- 6.3 If the employee is able to return to work where they have been signed as being fit for work with adjustments they can return to the normal pattern of work at any time with their manager's agreement, without further recourse to their medical practitioner.
- 6.4 If a revised work schedule has been put in place to support the employee's return to work following long term sickness, this will be managed under the phased return to work arrangements.

#### 7. Phased return to work

- 7.1 In cases of absence longer than 2 weeks, managers will normally contact the employee via telephone and then agree a pattern and method of keeping in contact as part of welfare arrangements during long term absence. These arrangements will continue until the employee is fit to return to work.
- 7.2 In cases of long term sickness absence a phased return to normal hours and responsibilities within a fixed timescale will be considered if this pattern enables the employee to make and sustain a return to work.
- 7.3 As a general rule a phased return to work plan will not normally last more than 4 weeks, unless medical advice from Occupational Health identifies the need for a longer period, by which we mean normally up to 6 weeks.

- 7.4 Payment of salary during the phased return period will normally be at full pay for the initially agreed reasonable period of time.
- 7.5 A return to work plan will be established with the employee prior to a phased return to work. Consideration will be given to relevant advice which could include Occupational Health, the employee's GP, the employee, the manager or Headteacher or Human Resources alongside the needs of the service.

## 8. Sickness whilst at work

- 8.1 If an employee becomes unwell and needs to go home during the course of the working day they must notify their School / Academy in accordance with local arrangements before leaving site.
- 8.2 When an employee attends work but completes less than half of their normal working day due to illness, they will be recorded as being sick for half a day.
- 8.3 On occasion when an employee attends and completes more than half of their normal working day due to illness they will not be recorded as sick for that day.

## 9. Disability and the Equality Act 2010

- 9.1 The Equality Act 2010 defines a person with a disability as a person with a physical or mental impairment, which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.
- 9.2 Sickness absence may be related to a disability under the Equality Act 2010. Where this is a possibility, advice will be obtained from Occupational Health and reasonable adjustments to the individual's working systems or environment which may be appropriate will be considered in accordance with the Act.
- 9.3 Disability is not synonymous with sickness or absence from work, however some employees with a disability may have conditions which from time to time may result in this procedure being initiated.

## 10. Terminal Illness

- 10.1 Terminal illness is a term defined in UK Legislation as 'a progressive disease where death as a consequence of that disease can reasonably be expected within 6 months'.
- 10.2 Terminal illness will be managed in accordance with the circumstances of each case; however the Trust will not dismiss an employee diagnosed with a terminal illness because of this condition.
- 10.3 When an employee is suffering from a terminal illness a number of factors will be taken into consideration when managing their attendance. It is recognised that people react differently to being diagnosed with a terminal illness and whilst some employees will wish to remain at work for as long as they are able to, others will find it impossible to be at work. The employee's wishes alongside advice from Occupational Health will be taken into account in determining the most appropriate way forward.
- 10.4 The Trust has committed to the Dying to Work Charter.

## 11. Time off to attend medical appointments

- 11.1 Where possible, employees should make health and welfare appointments outside of their normal working hours. Where this is not possible, employees may be granted a short period of time off with pay during the working day in order to visit the doctor, dentist, optician or

hospital. Appointments should be kept to a minimum and cause as little disruption as possible. Where an employee requests a considerable amount of time off to attend various medical appointments, the School / Academy will discuss the matter with the employee in advance of the appointment to determine if this time is paid or unpaid.

11.2 Evidence of medical appointments may be requested.

## 12. Sickness during annual leave

12.1 If an employee is sick whilst on annual leave, the days on which they are absent due to sickness may be classified as sickness absence and the annual leave may be credited. Employees should make every endeavour to take their leave entitlement in the year in which it falls.

12.2 To re-credit annual leave, employees are required to produce a Statement of Fitness for Work (fit note) from a medical practitioner stating the period they were unable to work due to illness and the reason for absence. The Trust will not reimburse any cost which might be associated with obtaining this medical evidence.

12.3 During long term sickness absence an employee will continue to accrue statutory annual leave and if, due to sickness absence, an employee is unable to take their annual leave entitlement during the relevant leave year, they will be allowed to carry the statutory entitlement (currently 5.6 weeks) into the next leave year. This leave should normally be taken before the employee returns to work or at a time agreed with the Headteacher. Given contractual arrangements this clause will normally only be relevant to year round support staff.

## 13. Accidents or injuries at work

13.1 If an employee suffers an accident or injury at work they must complete an accident form and provide this to the nominated contact at their School / Academy.

13.2 If an employee is reporting sickness absence and the reason for their absence is related to an accident or injury at work, they should notify the School / Academy at this time.

13.3 Employees should note that the accident or injury may be reported to the Health and Safety Executive under the Reporting of Injuries, Disease and Dangerous Occurrences Regulations (Riddor).

13.4 Section 9 of the Conditions of Service for School Teachers (the Burgundy Book) outlines the provisions for teachers where absence is as a result of an accident, injury or assault at work.

## 14. Occupational Health

14.1 Occupational Health is an effective tool in both preventing sickness absence through advising on appropriate wellbeing strategies and in managing a return to work.

14.2 The Trust may request that an employee who is unable to work, either due to long term absence or whose work and / or attendance is affected as a consequence of short term illness, attends an Occupational Health appointment.

14.3 The purpose of the referral and subsequent appointment with Occupational Health is to determine the likely duration of absence or the cause of the absence and to determine what practical support may be required to enable a return to the employee's usual working pattern.

14.4 The School / Academy will meet the costs associated with the provision of a report by Occupational Health. However, employees are expected to attend agreed appointments and failure to attend an appointment without good reason and notice may result in further action as

the School / Academy will incur the cost of the appointment if the employee does not attend as agreed. This may include passing the cost onto the employee.

- 14.5 Following attendance at Occupational Health the Headteacher / manager /Human Resources (dependent on the circumstances), will meet the employee to discuss the report, its recommendations and agree further steps
- 14.6 If employees refuse to attend Occupational Health and their absence remains of concern, the Trust will have no alternative other than to take action under the relevant policy, including this procedure, without the benefit of medical advice.

### 15. Ill Health Retirement -Teachers

- 15.1 Teachers who contribute to the Teachers' Pension Scheme (TPS) can apply to the scheme for ill health retirement. The teacher will be notified directly by the TPS about whether or not ill health retirement benefits can be granted. The teacher must submit the application to the Trust for completion with any supporting medical evidence.
- 15.2 The TPS will not seek further medical evidence to support an application for ill health retirement and as such it is the employee's responsibility to ensure that any evidence provided with their application is relevant, current and comprehensive.
- 15.3 Full details can be obtained from [www.teacherspensions.co.uk](http://www.teacherspensions.co.uk)

### 16. Ill Health Retirement –Support Staff

- 16.1 If you have at least two years' qualifying service in the Local Government Pension Scheme (LGPS), or otherwise would not be entitled to claim a refund of your pension contributions and you have to give up work because of ill health, you may be able to receive the immediate payment of your benefits.
- 16.2 To qualify for ill-health benefits, an Independent Registered Medical Practitioner (IRMP) appointed by the Trust, must be satisfied that you are permanently unable to do your own job due to ill-health or infirmity of mind or body until your Normal Pension Age and that you are not immediately capable of undertaking any gainful employment. More information can be found, including the ill health retirement tiers from <http://www.nottspf.org.uk> or [http://www.derbyshire.gov.uk/working\\_for\\_us/pensions/](http://www.derbyshire.gov.uk/working_for_us/pensions/)

### 17. Confidentiality

- 17.1 All correspondence and documentation related to this procedure will be kept confidential and in accordance with the General Data Protection Regulation it will be maintained in an appropriate system of record keeping.
- 17.2 All parties involved in this procedure must not make electronic recordings of any meetings or hearings conducted under this procedure.

### 18. General Data Protection Regulation

- 18.1 All data within this policy will be processed in line with the requirements and protections set out in the General Data Protection Regulation.

## **Section 2. Short Term Absence Management.**

### **1. Absence Trigger for short term absence**

1.1 The absence management procedure for short term absence may be triggered by hitting or exceeding the trigger point score or where a pattern of absence is clearly evident as outlined below.

1.2 Trigger point score

The absence trigger point is calculated by multiplying the number of day's absence (D) by the number of separate occasions (O). Only sickness related absence is included in the trigger point calculation.

**The trigger point is 35 points.** Examples of the calculation are found below.

<b>Absence record in last rolling 12 months</b>	<b>Action required</b>
<u>Example 1</u> 4 days, 2 days, 1 day D = 7 O = 3 7X3 = Absence Score of 21	No action required unless there are other issues to consider.
<u>Example 2</u> 1 day, 3 days, 2 days, 1 day, 2 days D = 9 O = 5 9X5 = Absence Score of 45	Trigger point hit. Absence Management triggered

1.3 Pattern of absence causing concern

Patterns of absence which give cause for concern are those whereby an employee has a repetitive pattern of absence such as a particular day of the week or after particular occasions that needs to be investigated further. The trigger point score may not have hit 35 points in these cases, although it is recognised that this will be the case more often than not.

1.4 Absence analysis reports are run by each School / Academy monthly to ensure that absence is managed in a timely and proactive manner.

1.5 A flowchart summarising the short term absence management procedure is shown at Appendix 1.

1.6 Short term absence is distinct from long term absence, the latter being defined as absence of four consecutive weeks or more.



## Short Term Absence

### 2. Informal Stage 1 meeting

- 2.1 If an employee's absence hits the short term absence trigger, the manager / nominated staff member will make informal contact with the employee, normally within three working days of the employee's return to work, and preferably on their first day back at work in order to hold an informal meeting.
- 2.2 The purpose of this discussion is to conduct an assessment of the situation, discuss the cause(s) of the absence and provide support to enable any issues to be addressed in order to improve attendance at work, or where the employee has a disability as defined by the Equality Act 2010, to explore reasonable adjustments for the employee. The precise nature of the action taken as a result will invariably differ from person to person, dependant on circumstances. The recommended format for the Informal Stage 1 meeting is shown at Appendix 2.
- 2.3 A review form will be completed following the meeting with a copy provided to the employee within 2 working days. This will also confirm the date, time and venue of the next informal meeting (Stage 2) which will take place in at least one further month's time.
- 2.4 If there are any further absences in the period between the informal Stage 1 meeting and the informal Stage 2 meeting the procedure shown above will be repeated.

### 3. Informal Stage 2 meeting

- 3.1 This meeting is to be held at the end of the first review period (at least 1 month after an Informal Stage 1 meeting) and is a further informal meeting facilitated by the manager / nominated staff member.
- 3.2 At this meeting a review of absence since the first meeting will take place resulting in the assessment of the situation.
- 3.3 Typical outcomes arising from an Informal Stage 2 meeting include:
  - There have been no further absences since the Informal Stage 1 meeting and so no further action is required at this time other than ongoing monitoring. Should further absences occur within 12 months of the absence trigger being hit, the procedure will re-start at this stage.
  - Further absences have occurred and in these circumstances the recommended format for this meeting as shown at Appendix 3.
- 3.4 A review form will be completed following the meeting with a copy provided to the employee within 2 working days. This will also confirm the date, time and venue of the next informal meeting (Stage 3) which will take place in at least one further months' time.
- 3.5 If there are any further absences in the period between the informal Stage 2 and Stage 3 meeting the procedure shown above will be repeated.

## Short Term Absence

### 4. Informal Stage 3 meeting

- 4.1 An informal Stage 3 meeting is to be held at the end of the second review period (at least 1 month after the Informal Stage 2 meeting, therefore 2 months in total from the start of this procedure) and is a further informal meeting facilitated by the manager / nominated staff member.
- 4.2 This meeting will review any absence since hitting the short term absence trigger, resulting in an up to date assessment of the situation.
- 4.3 Typical outcomes arising from an Informal Stage 3 meeting include:
- There have been no further absences since the Informal Stage 2 meeting and so no further action is required at this time other than ongoing monitoring. Should further absences occur within 12 months of the absence trigger being hit, the procedure will re-start at this stage.
  - Further absences have occurred and in these circumstances the recommended format for this meeting as shown at Appendix 4 will be followed.
- 4.4 A review form will be completed following the meeting with a copy provided to the employee within 2 working days.
- 4.5 If attendance remains a concern this will confirm that the next step is a Formal Stage 1 Attendance Meeting which will be arranged in 1 month's time (3 months from the start of this procedure) and that this will normally involve a review of a report from Occupational Health (assuming consent was given and the report is received in time).
- 4.6 A record of the employee's attendance in the last 2 years (to date) and the informal Stage 1-3 records should be provided to the Headteacher who will arrange an absence referral through the School / Trust to Occupational Health. Once this report is in hand a Formal Stage 1 Attendance Meeting will be arranged. If the employee refuses to attend Occupational Health a Formal Stage 1 Attendance Meeting will be convened at least one month after the Informal Stage 3 meeting and will progress without the benefit of medical advice.

## Short Term Absence

### 5. Formal Stage 1 Attendance Meeting

- 5.1 Employees whose absence has been managed through stages 1-3 of the informal procedure for at least 3 months following hitting the trigger point for short term absence, and where their absence remains of concern, will be referred to a Formal Stage 1 Attendance Meeting which will be held no earlier than 1 month after the Informal Stage 3 review.
- 5.2 Formal Attendance Management is normally led by either the Headteacher or a member of the leadership team. Human Resources may also attend to support or lead formal attendance meetings with a member of the School / Academy leadership team.
- 5.3 To convene a Formal Stage 1 Attendance Meeting the Headteacher will write to the employee, providing at least 10 working days' notice of the date, time and venue for the meeting. This notification will contain:
- confirmation that the employee is required to attend a Formal Stage 1 Attendance Meeting;
  - who will be in attendance;
  - the fact that the meeting is being called due to concerns about the employee's short term absence;
  - confirmation that the employee may be accompanied at this meeting by a trade union representative or work colleague;
  - that a note-taker will be present and the employee will receive a copy of the notes together with the outcome of the meeting in writing normally within 5 working days of the meeting date.
- 5.4 The following attachments will be provided at the same time:
- informal Stage 1-3 records
  - the employee's sickness absence record over the last 2 years
  - this procedure
  - the Occupational Health report (where available).
- 5.5 The recommended format for a Formal Stage 1 Attendance Meeting is shown at Appendix 5
- 5.6 Typical outcomes from a Formal Stage 1 Attendance Meeting are:
- There have been no further absences since the Informal Stage 3 meeting and so no further action is required at this time other than ongoing monitoring. Should further absences occur within 12 months of the absence trigger being hit, the procedure will re-start at this stage.
  - The informal procedure has not been exhausted before calling a Formal Stage 1 Attendance Meeting and as such will recommence at the relevant informal stage.
  - Additional information has come to light, for example via Occupational Health, which has a bearing on the next steps.
  - Attendance continues to be unsatisfactory and as such a Formal Stage 2 Attendance Meeting will be arranged in at least 2 months' time. The employee will receive a first formal warning that failure to achieve and maintain acceptable levels of attendance will lead to consideration of the employee's continued employment by reason of capability (ill health).

## Short Term Absence

### 6. Formal Stage 2 Attendance Meeting

- 6.1 A Formal Stage 2 Attendance Meeting will be arranged at least 2 months after the Formal Stage 1 Attendance Meeting (at least 5 months following hitting the trigger point for short term absence).
- 6.2 To convene a Formal Stage 2 Attendance Meeting the Headteacher will write to the employee, providing at least 10 working days' notice of the date, time and venue for the hearing.  
This notification will contain:
- confirmation that the employee is required to attend a Formal Stage 2 Attendance Meeting;
  - who will be in attendance;
  - the fact that the meeting is being called due to concerns about the employee's short term absence;
  - confirmation that the employee may be accompanied at this meeting by a trade union representative or work colleague;
  - that a note-taker will be present and the employee will receive a copy of the notes together with the outcome of the meeting in writing normally within 5 working days of the meeting date.
- 6.3 The recommended format for a Formal Stage 2 Attendance Meeting is shown at Appendix 6
- 6.4 Typical outcomes from a Formal Stage 2 Attendance Meeting are:
- There have been no further absences since the Formal Stage 1 Attendance Meeting and so no further action is required at this time other than ongoing monitoring. Should further absences occur within 12 months of the absence trigger being hit, the procedure will be re-started at this stage.
  - Additional information has come to light, for example via Occupational Health, which has a bearing on the next steps.
  - Attendance continues to be unsatisfactory and as such a Formal Stage 3 Attendance Meeting will still be arranged in at least 1 months' time. The employee will receive a final formal warning that failure to achieve and maintain acceptable levels of attendance will lead to consideration of the employee's continued employment by reason of capability (ill health).

## Short Term Absence

### 7. Formal Stage 3 Attendance Meeting

- 7.1 A Formal Stage 3 Attendance Meeting will be arranged at least 1 month after the Formal Stage 2 Attendance Meeting (at least 6 months following hitting the trigger point for short term absence).
- 7.2 Prior to the meeting with the employee, where a member of the leadership team has led the procedure to this point, they will ask the Headteacher for a decision as to whether:
- a) A further review period should be provided with a repeat Formal Stage 2 Attendance meeting or
  - b) An ill health capability hearing should be convened.
- 7.3 The Headteacher will confirm their decision in writing.
- 7.4 When the Headteacher led the meetings to date they will confer with the Chair of the Local Governing Body.
- 7.5 The Chair of the Local Governing Body will confirm their decision in writing.
- 7.6 To convene a Formal Stage 3 Attendance Meeting the Headteacher will write to the employee, providing at least 10 working days' notice of the date, time and venue for the hearing. This notification will contain:
- confirmation that the employee is required to attend a Formal Stage 3 Attendance Meeting;
  - who will be in attendance;
  - the fact that the meeting is being called due to concerns about the employee's short term absence;
  - confirmation that the employee may be accompanied at this meeting by a trade union representative or work colleague;
  - that a note-taker will be present and the employee will receive a copy of the notes together with the outcome of the meeting in writing normally within 5 working days of the meeting date.
- 7.7 The recommended format for a Formal Stage 3 Attendance Meeting is shown at Appendix 7
- 7.8 Typical outcomes from a Formal Stage 3 Attendance Meeting are:
- Attendance is now satisfactory and so no further action is required at this time other than ongoing monitoring. Should further absences occur within 12 months of the absence trigger being hit, the procedure will re-start at this stage.
  - Attendance is improving and as such a repeat Formal Stage 2 Attendance Meeting will be called in 1 month's time.
  - Additional information has come to light, for example via Occupational Health, which has a bearing on the next steps - determine what these are or advise that you need to seek advice before determining what these are.
  - Attendance continues to be unsatisfactory and the employee has already received a first and final warning to improve their attendance and this procedure has been exhausted. As such the matter will now be referred to an ill health capability hearing, one of the outcomes of which could be dismissal.
- 7.9 Arrangements for a Capability Hearing and subsequent procedures are found within Section 4 of this procedure.

### **Section 3. Long Term Absence Management Procedure**

#### **1. Managing Long Term Absence**

- 1.1 Absence of four consecutive weeks or more is classified as long-term absence. Any action taken should be appropriate according to the circumstances of the particular case.
- 1.2 The Trust takes a sympathetic view of genuine cases of long-term ill health and will provide a supportive approach in these circumstances. This may include a referral to Occupational Health, access to an Employee Assistant Programme or other relevant means of support. These methods are to enable a successful return to work to be made or where the employee has a disability as defined by the Equality Act 2010, to explore reasonable adjustments which may be required to enable a return.
- 1.3 Normally during long term absence the manager will maintain reasonable and sensitive contact, usually by telephone, with employees who are absent from work. This contact is intended to be constructive and supportive to the employee's recovery and return to work. Employees are required to engage with this process and failure to return telephone calls or respond to letters may result in further action including withholding sick pay in appropriate circumstances.
- 1.4 If an employee is unable to speak to their manager for any reason they should contact the Headteacher who will normally appoint another individual to manage the long term absence.
- 1.5 In some circumstances a home visit may be appropriate where the employee does not wish to meet at work or a neutral venue. Such visits should only be undertaken in exceptional circumstances and by mutual consent.
- 1.5 Employees who are long term absent are normally requested to attend an assessment with Occupational Health in order to establish the likely length of absence and the long-term effect on the employee's capability in relation to the job and attendance at work. The resulting report will be discussed with the employee. The aim of this referral is to assist the employee to make a return to work at the earliest opportunity with an agreed work schedule which enables them to remain at work on their return.
- 1.6 Long term absence will be managed in accordance with the nature of the diagnosis. These procedures are intended to manage situations in a supportive way whilst recognising that matters cannot be prolonged indefinitely. Following a period of support and review consideration may need to be given to an ill health capability dismissal where there is no prospect of the employee making and sustaining a return to work in the foreseeable future.
- 1.7 Absence analysis reports are run by each School / Academy monthly to ensure that absence is managed in a timely and proactive manner.
- 1.8 A flowchart summarising the long term absence management procedure is shown at Appendix 8.

## Long Term Absence

### 2. Informal Stage 1 meeting (long term absence)

- 2.1 Once the employee has been absent for at least 4 weeks and there is no immediate prospect of return the manager will make informal contact with the employee by telephone. The manager will check if it is a good time to have a conversation about the employee's absence, and if not, rearrange a telephone conversation or an informal meeting in the next 5 working days.
- 2.2 The purpose of the Informal Stage 1 meeting is to:
- a) Discuss the nature of the absence, prognosis and the likely timeframe;
  - b) Identify what can be done to aid the employee's recovery including any reasonable adjustments which may be required;
  - c) Ask if there are any underlying health conditions, or any other concerns or problems, including an undisclosed disability which could be affecting attendance;
  - d) Remind the employee to provide a fit note if they have not already done so;
  - e) Remind the employee they have access to a confidential EAP, should they wish to make use of this;
  - f) If possible, identify a return to work date and a work schedule upon return;
  - g) If a return is not possible, agree a date and time when contact will be made again which is normally in one month.
- 2.3 A review form will be completed following the meeting with a copy provided to the employee within 2 working days. This will also confirm the date, time and venue / or method (e.g. a telephone call) of the next informal meeting (Stage 2) which will take place in at least one month's time, should the employee not make and sustain a return to work in the intervening period.

## Long Term Absence

### 3. Informal Stage 2 meeting (long term absence)

- 3.1 If the employee has been absent for at least a further month (2 months in total from the start of this procedure) and there is no immediate prospect of return, the manager will contact the employee as previously agreed.
- 3.2 The purpose of the Informal Stage 2 meeting is to :
- a) Obtain an update on the nature of the absence, prognosis and the likely timeframe,
  - b) Identify what can be done to aid the employee's recovery including any reasonable adjustments which may be required
  - c) Ask if there are any underlying health conditions, or any other concerns or problems, including an undisclosed disability which could be affecting attendance.
  - d) Remind the employee to provide a fit note if they have not already done so.
  - e) Remind the employee they have access to a confidential EAP, should they wish to make use of this
  - f) If possible, identify a return to work date and a work schedule upon return
  - g) If there is no immediate prospect of return, or if support to return is required, request that the employee attends Occupational Health in order to obtain advice on the nature of the absence, the likely duration and support requirements on return. Employees who withhold agreement to attend Occupational Health should note that decisions can be taken without the benefit of medical advice which may not be in their best interests.
- 3.3 If a return to work is not envisaged within one month, inform the employee that the next step is a Formal Stage 1 Long Term Absence Meeting as the employee will have been absent from work at that point for more than 3 months and as such they will be invited to a meeting with the Headteacher or a nominated manager.
- 3.4 A review form will be completed following the meeting with a copy provided to the employee within 2 working days.
- 3.5 The following will be provided by the manager to the Headteacher / nominated manager who will oversee formal long term absence management:
- records from the informal stage 1 and informal stage 2 meetings
  - the employee's attendance record in the last two years
  - copies of fit notes submitted for the period of absence under review
  - confirmation whether the employee has consented to attend Occupational Health.
  - contact details for the employee (name, address, telephone numbers, personal e-mail if used)
- 3.6 Where the employee has consented to attend Occupational Health a referral will be made with a view to obtaining a report for the first formal meeting. If this referral is being made by Human Resources, the information set out at 3.5 will be provided.



## Long Term Absence

### 4. Formal Stage 1 Long Term Absence Meeting

- 4.1 If absence has continued for at least 3 months and there is no prospect of a return, or if short term absence transfers to long term absence, a Formal Stage 1 Long Term Absence Meeting will be convened.
- 4.2 To convene a Formal Stage 1 Long Term Absence Meeting the Headteacher will write to the employee, providing at least 10 working days of the date, time and venue for the hearing. This notification will contain:
- confirmation that the employee is required to attend a Formal Stage 1 Long Term Absence Meeting;
  - who will be in attendance;
  - the fact that the meeting is being called due to concerns about the employee's long term absence;
  - confirmation that the employee may be accompanied at this meeting by a trade union representative or work colleague;
  - that a note-taker will be present and the employee will receive a copy of the notes together with the outcome of the meeting in writing normally within 5 working days of the meeting date.
- 4.3 The following attachments will be provided at the same time:
- informal Stage review records;
  - the employee's sickness absence record over the last 2 years;
  - this procedure;
  - the Occupational Health report (where available).
- 4.4 The recommended format for a Formal Stage 1 Long Term Absence Meeting is shown at Appendix 9
- 4.5 The employee will receive a letter following the meeting confirming the outcome and next steps together with a copy of the notes taken within 5 days of the meeting which will include a warning that failure to attend and maintain the required level of attendance may lead to consideration of the employee's continued employment.

## Long Term Absence

### 5. Formal Stage 2 Long Term Absence Meeting

- 5.1 If absence has continued for at least 4 months, there has been at least a 1 month interval since Formal Stage 1 Long Term Absence meeting and there is still no prospect of return, a Formal stage 2 Long Term Absence meeting will be convened
- 5.2 To convene a Formal Stage 2 Long Term Absence Meeting the Headteacher will write to the employee, providing at least 10 working days of the date, time and venue for the hearing. This notification will also contain:
- confirmation that the employee is required to attend a Formal Stage 2 Long Term Absence Meeting;
  - who will be in attendance;
  - the fact that the meeting is being called due to concerns about the employee's long term absence;
  - confirmation that the employee may be accompanied at this meeting by a trade union representative or work colleague;
  - that a note-taker will be present and the employee will receive a copy of the notes together with the outcome of the meeting in writing normally within 5 working days of the meeting date
- 5.3 The recommended format for a Formal Stage 2 Long Term Absence Meeting is shown at Appendix 10
- 5.4 The employee will receive a letter following the meeting confirming the outcome and next steps together with a copy of the notes taken within 5 days of the meeting which will include a first warning that failure to attain and maintain the required level of attendance may lead to consideration of the employee's continued employment and that their attendance will be monitored over the next month in order to determine next steps.

### 6. Formal Stage 3 Long Term Absence Meeting

- 6.1 If absence has continued for at least 5 months, there has been at least a 1 month interval since Formal Stage 2 meeting and there is still no prospect of return, a Formal Stage 3 Long Term Absence meeting will be convened
- 6.2 To convene a Formal Stage 3 Long Term Absence Meeting the Headteacher will write to the employee, providing at least 10 working days of the date, time and venue for the hearing. This notification will also contain:
- confirmation that the employee is required to attend a Formal Stage 3 Long Term Absence Meeting;
  - who will be in attendance;
  - the fact that the meeting is being called due to concerns about the employee's absence;
  - confirmation that the employee may be accompanied at this meeting by a trade union representative or work colleague;
  - that a note-taker will be present and the employee will receive a copy of the notes together with the outcome of the meeting in writing normally within 5 working days of the meeting date
- 6.3 The format for a Formal Stage 3 Long Term Absence Meeting is shown at Appendix 11
- 6.4 The employee will receive a letter following the meeting confirming the outcome and next steps together with a copy of the notes taken within 5 days of the meeting which will include a final warning that failure to attain and maintain the required level of attendance may lead to consideration of the employee's continued employment which could include a referral to an ill health capability hearing as the next step.

## Long Term Absence

### 7. 6 months' long term absence review

- 7.1 If absence has continued for at least 6 months, there has been at least a 1 month interval since Formal Stage 3 meeting and there is still no prospect of return, consideration will be given to the next steps.
- 7.2 If a member of the leadership team has led the procedure to this point they will ask the Headteacher for a decision as to whether:
- a) A further review period should be provided with a repeat Formal Stage 3 Long Term Absence Meeting;
  - or
  - b) An ill health capability hearing should be convened.
- 7.3 The Headteacher will confirm their decision in writing.
- 7.4 When the Headteacher has led the meetings to date they will confer with the Chair of the Local Governing Body.
- 7.5 The Chair of the Local Governing Body will confirm their decision in writing.
- 7.6 Once a decision has been made, contact will be made with the employee in writing to confirm next steps which will either be a repeat of stage 3 or referral to an ill health capability meeting.
- 7.7 If the Occupational Health report is more than 6 months old, or if the employee's circumstances have changed since, or if the last report recommended a further referral, an updated report will be obtained before the capability hearing takes place to ensure that up to date medical advice is available (unless the employee refuses to attend Occupational Health).
- 7.8 Where matters are referred to a capability hearing the communication will include arrangements for hearing, providing at least 10 working days' notice of the date, confirming the right to be accompanied by a trade union representative or work colleague, Documentary evidence will be provided at the same time. If the employee wishes to provide any written information they may do so, providing this at least 5 working days before the hearing.
- 7.9 Arrangements for a Capability Hearing and subsequent procedures are found within Section 4 of this procedure.

## **Section 4 Capability Hearing and subsequent procedures**

### **1. Ill Health Capability hearing**

- 1.1 A Capability Hearing will be undertaken by a Governors' Panel consisting of at least two members of the Governing Body, ideally three who are unconnected to the employee or the case. Staff Governors may not be panel members.
- 1.2 A Capability Hearing may be convened as a result of the expiration of short term or long term absence management procedures.
- 1.3 To convene an ill health capability hearing the employee will receive written notification of the hearing date 10 working days in advance of the date; unless an earlier hearing date is mutually agreed. This notification will set out:
- the fact that an ill health capability hearing has been called and the reason for it;
  - the date, time and venue of the hearing;
  - the names of those attending and that a note taker will be present;
  - that the employee has a right to be accompanied by a trade union representative or a work colleague;
  - If the employee wishes to provide any written information they may do so, providing this at least 5 working days before the hearing.
- 1.4 The employee will also receive copies of documentation to be relied upon at the hearing at the same time including:
- a statement of case from the Headteacher outlining the process undertaken, the support provided, the position to date and recommendations which will be supported by the following documentation as appendices:
    - a chronology
    - records from all of meetings including forms, notes and letters
    - the sickness absence record for the last 2 years
    - this procedure
    - Occupational Health report (unless permission to refer was withheld and if applicable, a statement to that effect).
- 1.5 The recommended order of business for an ill health capability hearing is shown at appendix 12
- 1.6 The options for the Governors Panel at an ill health capability hearing are:
- To terminate the employee's employment with notice on the grounds of incapability due to ill health. Where the Governors Panel decide to dismiss an employee this will be with notice and the employee will be informed of their right to appeal this decision to a Governors Appeal Panel. Before taking this course of action Governors should refer to the Dying to Work conventions in respect of terminal illness where applicable.
  - Redeploy the employee to alternative work where this is agreed to be more suitable to the employee's health condition and where a more appropriate role is available, with the employee's consent.
  - With the employee's consent, consideration of retirement on the grounds of ill health (subject to the recommendation of Occupational Health) and approval by the relevant pension provider.
  - Initiate a further monitoring period (no more than 2 months) after giving consideration to any personal issues being experienced and possible ways to support the employee. If the required improvements are not made then the hearing will be reconvened to consider issuing notice of dismissal on the grounds of incapability due to ill health.

## 2. Governors' Appeal Panel

- 2.1 Employees have the right of appeal against a decision to terminate employment on the grounds of capability due to ill health.
- 2.2 To lodge an appeal the employee must provide in writing to the Headteacher the grounds of their appeal within 10 working days of receipt of the original decision.
- 2.3 The date on which dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful the employee will be reinstated with no loss of pay.
- 2.4 The appeal will be referred to a Governors' Appeal Panel comprising of at least two governors, ideally three, but excluding all Governors who have been previously involved in the case and Staff Governors.
- 2.5 The employee will be given 10 working days' notice of an appeal hearing, unless an earlier date is mutually agreed. This notice will include
  - the date, time and venue.
  - the names of those attending and that a note taker will be present.
  - that the employee has a right to be accompanied by a trade union representative or a work colleague.
- 2.6 At the same time the Governors' Appeal Panel will receive the following:
  - a copy of the statement of case provided to the ill health capability hearing
  - the employee's sickness absence record for the last 2 years
  - this procedure
  - notes taken at the ill health capability hearing
  - the written outcome from the ill health capability hearing.
  - the letter of appeal
- 2.7 The Headteacher / Chair of the capability hearing may be requested to attend the hearing in order to respond to any relevant questions.
- 2.8 At the Hearing the employee will be asked to outline the reasons for their appeal.
- 2.9 At the appeal the Governors Appeal Panel will hear the employee's case and determine the outcome which is normally either:
  - To uphold the appeal and determine a further review period, re-setting the process to an appropriate Stage, including any warning as appropriate;
  - Not to uphold the appeal and uphold the decision to dismiss the employee
- 2.10 The decision of the Governors Appeal Panel will be notified to the employee in writing within 5 working days of the appeal hearing, together with a copy of the notes confirming that this decision is final and there is no further right of appeal.

## **Section 5. Sick Pay**

### **1. Statutory Sick Pay (SSP) and Occupational Sick Pay (OSP)**

- 1.1 The Trust has an obligation to pay Statutory Sick Pay (SSP) for up to 28 weeks of sickness to those employees who are eligible to receive it. The rate of SSP is set by the state and is treated as earnings and as such it is subject to tax and national insurance deductions.
- 1.2 Employees who have gross average earnings which are above the Lower Earnings Limit (LEL) for National Insurance contributions for the 8 weeks prior to becoming sick, and who comply with all notification and evidence requirements are normally eligible to receive SSP.
- 1.3 Entitlement to Occupational Sick Pay (OSP) varies according to contract type and length of continuous service (see below). The date from which continuous service for sick pay purposes is stated in the employee's contract of employment.
- 1.4 Payment of statutory and occupational sick pay during sickness absence is conditional on proper adherence to sickness reporting procedures and the production of fit notes or timely completion of sickness self-certification / return to work proformas.

### **2. Entitlement to Paid Sick Leave**

<b>Period</b>	<b>Teachers</b>	<b>Support Staff</b>
During the first year of continuous service	Full pay for 25 working days and after completing 4 calendar months of service, half pay for 50 working days.	1 month's full pay and (after 4 months service) 2 months' half pay.
During the second year of continuous service	Full pay for 50 working days and half pay for 50 working days.	2 months' full pay and 2 months' half pay.
During the third year of continuous service	Full pay for 75 working days and half pay for 75 working days.	4 months' full pay and 4 months' half pay.
During the fourth year of continuous service	Full pay for 100 working days and half pay for 100 working days.	5 months' full pay and 5 months' half pay.
During the fifth year of continuous service	Full pay for 100 working days and half pay for 100 working days.	5 months' full pay and 5 months' half pay.
After the fifth year of continuous service	Full pay for 100 working days and half pay for 100 working days.	6 months' full pay and 6 months' half pay.

See Note 1

- 2.1 For the purposes of this policy, sick pay entitlement is based on service completed as at the first day of sickness. When determining payment for sickness, account is taken of all periods of sickness during the preceding 12 months as at the first day of sickness. For the purposes of calculating sick pay for teachers a year commences on 1<sup>st</sup> April and ends on 31<sup>st</sup> March as set out in Burgundy Book.
- 2.2 If the employee is entitled to receive SSP, or ESA these will be offset against any entitlement to full pay.
- 2.3 Where the employee is entitled to receive half pay, the total sum of half pay plus SSP or ESA, must not exceed full pay. If necessary, the half pay allowance will be reduced.
- 2.4 If a Bank Holiday occurs during a period of paid sick leave, the employee will continue to receive sick pay. However, no payment will be made for a Bank holiday which occurs during a period of unpaid sick leave.
- 2.5 In determining an employee's normal pay for the purposes of the scheme, the Trust will include any regular paid overtime which is an express condition within the contract of employment.
- 2.6 A period of absence due to injury sustained by the employee in the actual discharge of their duties, and which is not attributable to any fault of their own, will not be recorded for the purposes of this scheme.

- 2.7 Section 9 of the Conditions of Service for School Teachers (the Burgundy Book) outlines the provisions for teachers where absence is as a result of an accident, injury or assault at work
- 2.8 Where an employee is absent because of an accident which results in a payment from the Criminal Injuries Compensation Authority, the employee will not be required to refund any sick pay received in accordance with this scheme.

### 3 Sickness during the notice period

- 3.1 If an employee is served notice of termination of employment whilst absent, and if they have exhausted their right to full sick pay as outlined above, where the contractual notice period exceeds the statutory minimum notice period by at least one week, the employee will not be entitled to full pay during any part of the notice period if they remain absent. However if the contractual notice period does not exceed the statutory minimum notice period by at least one week, then the employee is entitled to receive their normal pay during the notice period if they continue to be absent.

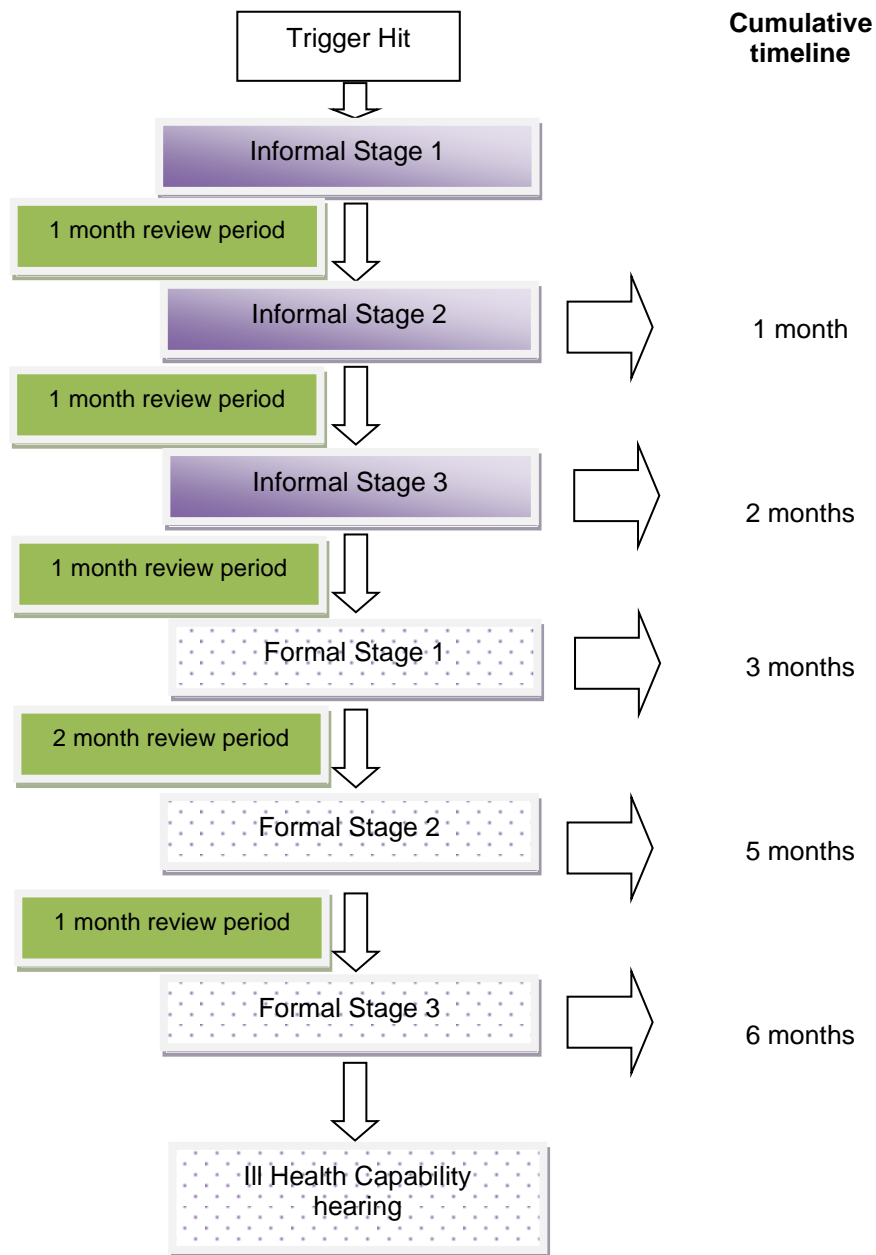
#### Document management

Review cycle:	Every two years
Next review due:	September 2022
Policy owner	Head of Human Resources
Approving body:	Board of Trustees
Equality Analysis reviewed:	9.7.2020

#### Supporting documents

Informal absence review record  
 Self-Certification of sickness form  
 Template phase return to work plan  
 Short term absence. Invitation to formal stage 1 letter  
 Short term absence. Invitation to formal stage 2 letter  
 Short term absence. Invitation to formal stage 3 letter  
 Long term absence. Invitation to formal stage 1 letter  
 Long term absence. Invitation to formal stage 2 letter  
 Long term absence. Invitation to formal stage 3 letter  
 Invitation to attend an ill health capability meeting  
 Invitation to attend an appeal hearing following dismissal  
 Outcome from a short term attendance management formal stage 1 meeting  
 Outcome from a short term attendance management formal stage 2 meeting  
 Outcome from a short term attendance management formal stage 3 meeting  
 Outcome from a long term absence management formal stage 1 meeting  
 Outcome from a long term absence management formal stage 2 meeting  
 Outcome from a long term absence management formal stage 3 meeting  
 Outcome of a 6 months review for long term absence  
 Outcomes from an ill health capability hearing template letter

**Appendix 1. Short Term Absence Management Flowchart.**



Short term absence is distinct from long term absence, the latter being defined as absence of four consecutive weeks or more.



## Short Term Absence

### Appendix 2 .Agenda for a Stage 1 informal meeting

An informal stage 1 meeting is normally led by the employee's manager.

#### Documentation required for this meeting:

- The Absence Management procedure
  - The record of absence demonstrating why the trigger point has been met
  - Blank review form
- a) Welcome.
  - b) Explain the purpose of the meeting, confirm that this an informal meeting and why the trigger point has been hit.
  - c) Ask the employee about the reasons for their absence.
  - d) Ask if the absence is related to work in any way (if so, explore further including next steps).
  - e) Ask if there are any underlying conditions, any concerns or problems, including an undisclosed disability, which could be affecting attendance.
  - f) Determine what, if any support, is required to support the employee to improve their attendance at work.
  - g) Remind the employee that they are required to achieve good levels of attendance at work, and failure to do so could put their continued employment at risk.
  - h) Remind the employee that need to comply with self-certification/ return to work notification processes or the provision of a fit note immediately (if they have not already done so).
  - i) Remind the employee that they can access a confidential Employee Assistance Helpline should they wish to obtain further support.
  - j) Confirm that the discussions will be recorded on a review form and the employee will receive a copy within 2 working days following the meeting.
  - k) Confirm that a review will be held in a month's time and agree a date, time and venue for that meeting, noting that this will be on the review form for reference.
  - l) Check there are no other points and conclude the meeting.

**Note:** Managers would not normally initiate an Occupational Health referral at this early stage, however if the employee discloses an unknown Disability or an underlying condition whereby a referral is appropriate, please ensure you obtain the employee's consent to request a referral and contact Human Resources after the meeting.

## Short Term Absence

### Appendix 3. Agenda for a Stage 2 informal meeting

An informal stage 2 meeting is normally led by the employee's manager.

#### Documentation required for this meeting:

- The Absence Management procedure
- The record of absence since the trigger point
- Blank review form
- Completed review form from the Stage 1 meeting

a) Welcome.

b) Explain the purpose of the meeting and confirm that this is an informal review.

#### If there have been no further absences since the Informal Stage 1 meeting

Confirm that no further meetings are required as long as the employee continues to attend. If further absences occur within 12 months of the absence trigger being hit, the procedure will re-start at this stage.

#### If there have been further absences since the Informal Stage 1 meeting

- c) Ask the employee about the reasons for their further absence.
- d) Ask if the absence is related to work in any way (if so, explore further including next steps).
- e) Ask if there are any underlying conditions, any concerns or problems, including an undisclosed disability, which could be affecting attendance which have not been disclosed to date.
- f) Determine what, if any, further support is required to enable the employee to improve their attendance at work.
- g) Remind the employee that they are required to achieve good levels of attendance at work, and failure to do so could put their continued employment at risk.
- h) Remind the employee that need to comply with self-certification processes or the provision of a fit note immediately (if they have not already done so).
- i) Remind the employee that they can access a confidential Employee Assistance Helpline should they wish to obtain further support.
- j) Confirm that the discussions will be recorded on a review form and the employee will receive a copy within 2 working days following the meeting.
- k) Confirm that a third informal review will be held in a month's time and agree a date, time and venue for that meeting, noting that this will be on the review form for reference.
- l) Check there are no other points and conclude the meeting.

Note: Managers would not normally initiate an Occupational Health referral at this early stage, however if the employee discloses an unknown Disability or an underlying condition whereby a referral is appropriate, please ensure you obtain the employee's consent to request a referral and contact Human Resources after the meeting.

## Short Term Absence

### Appendix 4. Agenda for a Stage 3 informal meeting

An informal stage 3 meeting is normally led by the employee's manager.

#### Documentation required for this meeting:

- The Absence Management procedure
- The record of absence since the trigger point
- Blank review form
- Completed review form from the Stage 2 meeting

- a) Welcome.
- b) Explain the purpose of the meeting and confirm that this is an informal review.

#### If there have been no further absences since the Informal Stage 2 meeting

Confirm that no further meetings are required as long as the employee continues to attend. If further absences occur within 12 months of the absence trigger being hit, the procedure will re-start at this stage.

#### If there have been further absences since the Informal Stage 2 meeting

- c) Ask the employee about the reasons for their further absence.
- d) Ask the employee if there is anything that they have not disclosed to date which would affect the way their absence is managed in the future including any support they need.
- e) Remind the employee that they are required to achieve good levels of attendance at work and that further absence may result in a formal warning to improve attendance and that failure to improve could put their continued employment at risk.
- f) Remind the employee that need to comply with self-certification / return to work notification processes or the provision of a fit note immediately (if they have not already done so).
- g) Remind the employee that they can access a confidential Employee Assistance Helpline should they wish to obtain further support.
- h) Advise the employee that as their absence continues to be cause for concern three months after first hitting the short term absence trigger point, a referral to Occupational health will be made, unless the employee objects. The employee can refuse, but the absence procedure will still go ahead in these circumstances, but without the benefit of medical advice, which is not in the employee's best interests. Ask the employee to consent to attending Occupational Health\*
- i) Confirm that the discussions will be recorded on a review form and the employee will receive a copy within 2 working days following the meeting.
- j) Confirm that a Formal Stage 1 Attendance meeting will be held in a month's time with the Headteacher or nominated manager within The Trust and that the employee will receive an invitation at least 10 working days before the meeting and that they have a right to be accompanied by a trade union representative or work colleague at that meeting. If they have not done so already, recommend that the employee contacts their union.
- k) Check there are no other points and conclude the meeting.

\* Contact Human Resources following this meeting to progress Occupational Health

## Short Term Absence

### Appendix 5. Agenda for a Formal Stage 1 Attendance Meeting

Formal Stage 1 Attendance Meeting is normally led the Headteacher / nominated manager. Human Resources may support the School / Academy.

#### Documentation required for this meeting:

- Informal Stage 1-3 records
  - Record of absence over the last 2 years
  - The Absence Management procedure
  - The Occupational Health report (where available)
  - Blank review form
- a) Welcome and introductions.
- b) Explain the purpose of the meeting and confirm this is a Formal Meeting and constitutes the first Formal Stage of the Absence Management Procedure.
- c) Confirm that the absence record is accurate.
- d) Summarise the situation and why absence is of concern.
- e) Discuss the Occupational Health referral and its recommendations (if applicable).
- f) Establish if any reasonable support or adjustments are required which have not already been put in place.
- g) Establish if there are any mitigating factors which they have not disclosed to date.
- h) Confirm the attendance levels required.
- i) Remind the employee they can access a confidential Employee Assistance Helpline should they wish to obtain further support.
- j) Confirm verbally the outcome which typically are:
- There have been no further absences since the Informal Stage 3 review and so no further action is required at this time other than ongoing monitoring. Should further absences occur within 12 months of the absence trigger being hit, the procedure will re-start at this stage.
  - Following the discussion and a review of the information today, the informal procedure has not been exhausted and as such will recommence at X (the relevant informal stage).
  - Additional information has come to light, for example via Occupational Health, which has a bearing on the next steps - determine what these are or advise that you need to seek advice before determining what these are.
  - Attendance continues to be unsatisfactory and as such a Formal Stage 2 Attendance Meeting will be arranged in at least 2 months' time. In these circumstances the employee will receive a first formal warning that failure to achieve and maintain acceptable levels of attendance will lead to consideration of the employee's continued employment by reason capability (ill health).
- k) Ask if the employee has anything to add
- l) Conclude by stating that the outcome and next steps will be confirmed in writing.

## Short Term Absence

### Appendix 6. Agenda for a Formal Stage 2 Attendance Meeting

Formal Stage 2 Attendance Meeting is normally led the Headteacher / nominated manager. Human Resources may support the School / Academy.

#### Documentation required for this meeting:

- Record of absence over the last 2 years (updated since the last meeting)
  - The Absence Management procedure
  - The Occupational Health report (where available and not discussed previously)
  - Blank review form
- a) Welcome and introductions.
  - b) Explain the purpose of the meeting and confirm this is a Formal Meeting and constitutes the second Formal Stage of the Absence Management Procedure.
  - c) Confirm absences since the last meeting (if any).
  - d) Summarise the situation and why absence is of concern.
  - e) Discuss the Occupational Health referral and its recommendations (if applicable).
  - f) Establish if any reasonable support or adjustments are required which have not already been put in place.
  - g) Establish if there are any mitigating factors which they have not disclosed to date.
  - h) Confirm the attendance levels required.
  - m) Confirm verbally the outcome which typically are:
    - There have been no further absences since the Formal Stage 1 Attendance meeting and so no further action is required at this time other than ongoing monitoring. Should further absences occur within 12 months of the absence trigger being hit, the procedure will re-start at this stage.
    - Additional information has come to light, for example via Occupational Health, which has a bearing on the next steps - determine what these are or advise that you need to seek advice before determining what these are.
    - Attendance continues to be unsatisfactory and as such a Formal Stage3 Attendance Meeting will be arranged in at least 1 months' time. In these circumstances the employee will receive a final formal warning that failure to achieve and maintain acceptable levels of attendance will lead to consideration of the employee's continued employment by reason capability (ill health).
  - n) Ask if the employee has anything to add
  - o) Conclude by stating that the outcome and next steps will be confirmed in writing.

## Short Term Absence

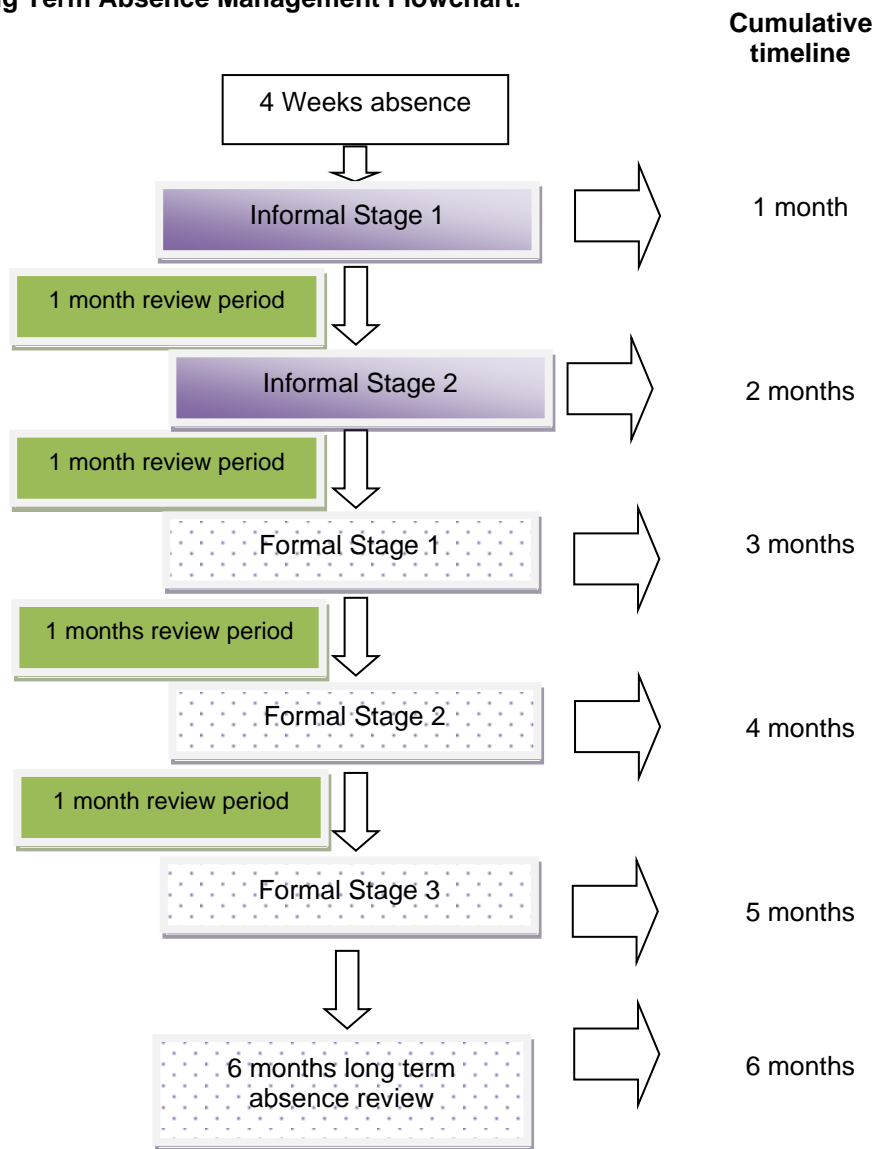
### Appendix 7. Agenda for a Formal Stage 3 Attendance Meeting

Formal Stage 2 Attendance Meeting is normally led the Headteacher / nominated manager. Human Resources may support the School / Academy.

#### Documentation required for this meeting:

- Record of absence over the last 2 years (updated since the last meeting)
  - The Absence Management procedure
  - Blank review form
  - Occupational Health report\*.
  - Welcome and introductions.
- a) Explain the purpose of the meeting and confirm this is a Formal Meeting and constitutes the third Formal Stage of the Absence Management Procedure.
- b) Confirm absences since the last meeting (if any).
- c) Summarise the situation / why absence remains of concern.
- p) Confirm verbally the outcome which typically are:
- Attendance is now satisfactory and so no further action is required at this time other than ongoing monitoring. Should further absences occur within 12 months of the absence trigger being hit, the procedure will re-start at this stage.
  - Attendance is improving and as such a repeat Formal Stage 2 Attendance Meeting will be called in 1 months' time.
  - Additional information has come to light, for example via Occupational Health, which has a bearing on the next steps - determine what these are or advise that you need to seek advice as a result.
  - Attendance continues to be unsatisfactory and the employee has already received a first and final warning to improve their attendance and this procedure has been exhausted. As such the matter will now be referred to an ill health capability hearing, one of the outcomes of which could be dismissal.
- q) Ask if the employee has anything to add
- r) Conclude by stating that the outcome and next steps will be confirmed in writing.
- \* If progressing to a Capability Hearing: ensure the report is no more than 6 months old and it has been updated if the employee's circumstances have changed, and if the last report recommended a further referral that this has been actioned.

Appendix 8. Long Term Absence Management Flowchart.



**Appendix 9. Agenda for a Formal Stage 1 Long Term Absence Meeting**

Formal Stage 1 Long Term Absence Meeting is normally led the Headteacher / nominated manager. Human Resources may support the School / Academy.

**Documentation required for this meeting:**

- Records from the informal review stages
- Record of absence over the last 2 years (up to date)
- The Absence Management procedure
- The Occupational Health report (where available)
- Blank review form

- a) Welcome and introductions.
- b) Explain the purpose of the meeting and confirm this is a Formal Meeting and constitutes the first Formal Stage of the Long Term Absence Management Procedure.
- c) Confirm that the absence record is accurate.
- d) Conduct an assessment of the situation, developments since the last review, prognosis and potential for return.
- e) Identify, if possible, an expected return to work date and work schedule.
- f) Discuss the Occupational Health report and its recommendations (if applicable). If the employee has declined to attend Occupational Health previously, ask their permission to obtain a report again.
- g) Establish if any reasonable support or adjustments are required which have not already been put in place.
- h) Establish if there are any mitigating factors which have not been disclosed to date.
- i) Is ill health retirement (if applicable) a consideration?
- j) Confirm the attendance levels required.
- m) Remind the employee they can access a confidential Employee Assistance Helpline should they wish to obtain further support.
- n) Confirm that as the employee has been continuously absent for 3 months and as there is no prospect of return, that this is an informal warning that should the employee not be able to make and sustain a return to work in the foreseeable future then their continued employment could be at risk.
- o) Confirmation that another meeting will be held in 1 months' time.
- p) Ask if the employee has anything to add.
- q) Conclude by stating that the outcome and next steps will be confirmed in writing.



## Long Term Absence

### Appendix 10. Agenda for a Formal Stage 2 Long Term Absence Meeting

A Formal Stage 2 Long Term Absence Meeting is normally led the Headteacher / nominated manager. Human Resources may support the School / Academy.

#### Documentation required for this meeting:

- Notes and letter from the Formal Stage 1 meeting
  - Record of absence over the last 2 years (up to date)
  - The Absence Management procedure
  - The Occupational Health report (where available and not discussed previously)
  - Blank review form
- a) Welcome and introductions.
  - b) Explain the purpose of the meeting and confirm this is a Formal Meeting and constitutes the second Formal Stage of the Long Term Absence Management Procedure.
  - c) Confirm that the absence record is accurate.
  - d) Conduct an assessment of the situation, developments since the last review, prognosis and potential for return.
  - e) Identify, if possible, an expected return to work date and work schedule.
  - f) Discuss the Occupational Health report and its recommendations (if applicable). If the employee has declined to attend Occupational Health previously, ask their permission to obtain a report again.
  - g) Establish if any reasonable support or adjustments are required which have not already been put in place.
  - h) Establish if there are any mitigating factors which have not been disclosed to date.
  - i) Is ill health retirement (if applicable) a consideration?
  - j) Confirm the attendance levels required.
  - k) Remind the employee they can access a confidential Employee Assistance Helpline should they wish to obtain further support.
  - l) Confirm that as the employee has been continuously absent for 4 months and as there is no prospect of return, that this is a first formal warning that should the employee not be able to make and sustain a return to work in the foreseeable future then their continued employment could be at risk.
  - m) Confirmation that another meeting will be held in 1 months' time.
  - n) Ask if the employee has anything to add.
  - o) Conclude by stating that the outcome and next steps will be confirmed in writing.

## Long Term Absence

### Appendix 11. Agenda for a Formal Stage 3 Long Term Absence Meeting

A Formal Stage 3 Long Term Absence Meeting is normally led the Headteacher / nominated manager. Human Resources may support the School / Academy.

#### Documentation required for this meeting:

- Notes and letter from the Formal Stage 2 meeting
  - Record of absence over the last 2 years (up to date)
  - The Absence Management procedure
  - The Occupational Health report (where available and not discussed previously)
  - Blank review form
- a) Welcome and introductions.
  - b) Explain the purpose of the meeting and confirm this is a Formal Meeting and constitutes the third Formal Stage of the Long Term Absence Management Procedure.
  - c) Confirm that the absence record is accurate.
  - d) Conduct an assessment of the situation, developments since the last review, prognosis and potential for return.
  - e) Identify, if possible, an expected return to work date and work schedule.
  - f) Discuss the Occupational Health report and its recommendations (if applicable). If the employee has declined to attend Occupational Health previously, ask their permission to obtain a report again.
  - g) Establish if any reasonable support or adjustments are required which have not already been put in place.
  - h) Establish if there are any mitigating factors which have not been disclosed to date.
  - i) Is ill health retirement (if applicable) a consideration?
  - j) Confirm the attendance levels required.
  - k) Confirm that as the employee has been continuously absent for 5 months and as there is no prospect of return, that this is an final formal warning that should the employee not be able to make and sustain a return to work in the foreseeable future then their continued employment could be at risk.
  - l) Confirm that the situation will be reviewed in one month's time. At this time a long term absence review will be undertaken the outcome of which will either be that the Formal Stage 3 Long Term Absence Meeting will be repeated or an ill health capability hearing will be called
  - m) Ask if the employee has anything to add.
  - n) Conclude by stating that the outcome and next steps will be confirmed in writing.

**Appendix 12. Order of business for an ill health capability hearing**

- i. Chair of the Panel leads the introduction
- ii. Chair of the Panel confirms the reason for the meeting
- iii. Chair of the Panel confirms the order of Business
- iv. The Headteacher or nominated representative presents the case, highlighting key information from their report concluding with their recommendations and reason(s) for that decision.
- v. The employee / their representative have the opportunity to ask questions
- vi. The Governors Panel will have the opportunity to ask questions
- vii. The employee / their representative present their case and their response
- viii. The Headteacher or nominated representative will have the opportunity to ask questions
- ix. The Governors Panel will have the opportunity to ask questions
- x. The Headteacher or nominated representative is invited to make any closing remarks
- xi. The employee / their representative is invited to make any closing remarks
- xii. The panel will confirm that they will withdraw to consider the evidence and determine the outcome and that their decision will be confirmed in writing within 5 working days of the hearing and provided together with a copy of the notes taken at the meeting.

## Notes

### Note 1

Extensions of allowances shown in the sick pay table apply to former teachers of Derbyshire County Council who transferred to the Trust and were employed on the date of transfer as set out below

- 1 April 2016 Swanwick High School
- 1 April 2017 Heritage High School
- 1 November 2017 Frederick Gent School
- 1 December 2018 Wilsthorpe School
- 1 March 2020 Springwell Community College.

In these circumstances entitlements for teachers with long service as shown below noting that full and half pay must not exceed 200 working days in total, are:

- a) 10 years' full-time service but less than 20 years: additional 23 working days at full pay less deductions.
- b) 20 years' full-time service but less than 30 years: additional 46 working days at full pay less deductions.
- c) 30 years' full-time service and over: additional 69 working days at full pay less deductions.