



SICKNESS ABSENCE POLICY & PROCEDURES 2021

Member Academies:

Beamont Collegiate Academy
 Bridgewater High School
 Broomfields Junior School
 Great Sankey Primary School
 Meadowside Community Primary and Nursery School
 Padgate Academy
 Penketh High School
 Penketh South Primary School
 Priestley Sixth Form College
 Sir Thomas Boteler Church of England High School

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TCAT



MANAGING SICKNESS ABSENCE POLICY & PROCEDURES 2021

PART 1 – THE SICKNESS ABSENCE POLICY

1 INTRODUCTION

- 1.1 This policy sets out the Trust's approach to effectively managing sickness absence among its workforce. It aims to provide academy leaders and people managers with a framework to ensure that a fair and consistent approach to monitoring, managing and reducing sickness absence levels is applied, considering both the welfare of employees and the requirements of the Trust to deliver effective and outstanding education to its students.
- 1.2 The policy is supplemented by procedures for managing both individual episodes of long-term sickness absence and multiple sickness absences over periods of time.
- 1.3 This policy, and supporting procedures, applies to all employee of the Trust. It does not apply to agency staff, self-employed contractors and those based at an academy but employed by an external contractor.

2 GENERAL PRINCIPLES

- 2.1 The Trust has a duty to protect the health, safety and welfare of all its employees and to do whatever it reasonably can to meet that duty. This policy and its procedures should be used proactively as a supportive measure so that academies can foster a culture of good attendance and wellbeing, whilst taking full consideration of the implications of staff absence on the running of an academy and the needs of its pupils/students.
- 2.2 It is recognised that during the course of their employment there will be occasions where employees will be unable to attend work due to ill health. Academies should work on the principle that every sickness absence is genuine, unless there is a strong belief to the contrary. Special consideration will be given to instances of sickness absences arising from pregnancy, disability and reported work related injury or disease.
- 2.3 This policy, and the supporting procedures, will:
 - provide employees who are absent from duty with appropriate support and assistance in accessing help to enable them to return to work at the earliest opportunity and sustain good attendance levels;
 - provide managers with a framework and guidance on how to deal effectively with employees with multiple sickness absences or/and those who are absent due to longer term ill-health;
 - ensure that a fair procedure is followed and a consistent approach is adopted throughout the Trust when dealing with employees who are absent from work.

- 2.4 This policy may occasionally need to be cross-referenced with other Trust policies and procedures, such as those relating to health and safety, stress management, flexible working, alcohol and substance misuse and guidance on disability and maternity legislation. Non-compliance with the policy/procedure or absence difficulties for reasons other than genuine sickness, may need to be dealt with in accordance with the Trust's disciplinary policy.

3 ROLES, RESPONSIBILITIES AND OBLIGATIONS UNDER THIS POLICY

3.1 Managerial Responsibilities

- 3.1.1 The Trust recognises its duty of care towards employees in providing a healthy and safe environment in which to work. Academy leaders and people managers will therefore proactively promote and nurture a culture of good attendance, be responsible for the physical working environment and ensure health and safety standards are maintained. In practical terms, this also includes the responsibility for monitoring employee attendance and dealing appropriately with situations whereby attendance fails to reach required standards.
- 3.1.2 Academy leaders (including Governors), people managers and other employees nominated by the Head/Principal in each academy must fully understand the rules and procedures for reporting and recording sickness absence and are clear about their responsibilities for ensuring that employees comply with them.
- 3.1.3 All employees should be informed of the rules and procedures that need to be observed if they are unable to attend for work because of sickness. Employees should be made aware of this upon their employment with the Trust, during their induction training and also reminded of procedures periodically in staff bulletins and at team meetings.
- 3.1.4 Managers will be required to deal appropriately with all sickness absence, including engaging in dialogue with the employee to establish the cause of absence and any preventative measures that could be explored.
- 3.1.5 It should be recognised that the majority of sickness absence is for genuine reasons and should therefore be approached with empathy and understanding. Apparent health-related absence can, at times, mask another issue that the manager may be able to provide support with, such as balancing responsibilities outside of the workplace.

- 3.1.6 Managers have a right, as well as a responsibility, to maintain regular contact with employees who are absent from work. Such contact must be conducted fairly and sensitively with the sole purpose of ensuring all parties are kept fully informed of the current situation.
- 3.1.7 When deciding what action is appropriate according to this Policy, managers are required to take all sickness absences into account notwithstanding whether they have been short term or long term. In circumstances where absence causes concern, or where recurring conditions or patterns of absence are evidenced, managers are advised to contact HR to discuss the situation and determine an appropriate way forward. Dependent upon the circumstances, it could be appropriate to use other policies or procedures.
- 3.1.8 In order to improve attendance levels, managers may on occasion need to seek advice and work closely with Human Resources and Occupational Health (OHU), and consult with employee representatives and Trade Unions to reach a successful outcome for the Trust and the employee.
- 3.1.9 Managers are encouraged when dealing with attendance issues to speak to their Human Resources representative at the earliest opportunity to ensure the employee is dealt with correctly and that a fair and consistent approach is applied to all employees across the Trust.
- 3.1.10 Managers should undertake risk assessments where appropriate and agree, implement and monitor appropriate supportive interventions with the employee.

3.2 Employees' Responsibilities

- 3.2.1 All employees have a contractual responsibility to attend work on a regular basis, including a responsibility to take care of their health and provide a regular and efficient service to the Trust. During periods of absence it is important that all employees comply with this procedure, keep their line managers informed of their situation and participate in any support offered to help them return to work.
- 3.2.2 Employees are required to notify their Academy of their inability to attend work due to ill health in line with the local notification of sickness absence procedure.
- 3.2.3 Employees are required to provide their line manager with any relevant contact details in order that contact can be maintained whilst the employee is off work. The employee and the manager should agree the frequency and type of contact that takes place during the absence period.

- 3.2.4 Employees are required to submit medical certificates from their GP, attend meetings held under this policy and occupational health appointments where required.

3.3 Human Resources Service Responsibilities

- 3.3.1 The HR Service will be responsible for ensuring that managers are provided with appropriate advice and assistance on the use of this policy and supporting procedures in accordance with current employment law.
- 3.3.2 The HR Service will support managers in respect of individual cases, helping facilitate the employee's return to work, where appropriate seek alternative employment or any other appropriate action required whilst accounting for this policy and employment law.
- 3.3.3 HR will support dialogue between line managers, members of staff, Occupational Health, and trade union representatives to discuss areas of concern, and ensure that the Trust takes a proactive approach to dealing with absence due to illness and develops initiatives to support the health and wellbeing of the workforce and improve attendance as well as identifying options and solutions for ensuring the maximum attendance of employees.
- 3.3.4 The HR Service will ensure that this policy and its procedures are applied fairly, equitably and consistently throughout the Trust as well as monitoring the compliance and effectiveness of its application, by providing Senior Leadership, Local Governing Bodies and Trustees with regular reports on levels and patterns of sickness absence, highlighting any areas of particular concern.
- 3.3.5 HR will provide advice, briefings and training to employees, managers and trade union representatives where appropriate, on all aspects of this policy and its procedures.

4 NOTIFICATION OF SICKNESS ABSENCE

- 4.1 Each academy within the Trust will have its own procedure that employees must follow when notifying that they will be unable to attend work due to sickness absence. This can be found at Part 2, Section 1 of this document.
- 4.2 Where an employee unreasonably fails to follow the sickness absence notification procedure the absence will be treated as an unauthorised absence. Cases of unauthorised absence will be dealt with under the Disciplinary Policy.

5 PART DAY ABSENCES

- 5.1 If an employee goes off sick during the working day and has worked at least half of their normal shift, the absence will not be recorded as an occasion of sickness absence. Managers are still advised to monitor this, look for patterns, and to undertake an informal return to work interview if the employee reports for their next shift. If the absence continues beyond that day, their first day of absence will be recorded as the first full day of absence. If the employee has reported to work, but then worked less than half their shift, this will be treated as an occasion of absence. This absence will contribute towards the trigger points referred to in the policy.

6 PAY DURING SICKNESS ABSENCE

- 6.1 Employees may be entitled to receive payment of Occupational Sick Pay (OSP) during periods of sickness absence and this will be clarified in their contract of employment.
- 6.2 Employees will be entitled to receive Statutory Sick Pay (SSP) when they have been absent for at least four days in a row, subject to meeting eligibility criteria. The combined total of OSP and SSP must not exceed an employee's normal contractual earnings.
- 6.3 Payment of OSP & SSP is dependent on employees complying with this policy and its procedures.

7 FALLING SICK WHILST ON ANNUAL LEAVE

- 7.1 Where an employee becomes sick whilst on annual leave, they shall be regarded as being on sick leave from the date of a doctor's note.

8 ACCRUAL OF ANNUAL LEAVE DURING SICKNESS ABSENCE

- 8.1 The following provisions apply with regard to the accrual of annual leave during an employee's sickness absence:
- Contractual annual leave will continue to accrue whilst the employee is absent (i.e. the annual leave entitlement under the contract of employment);
 - Employees are entitled to take any annual leave entitlement that they may receive whilst they are on sick leave, should they wish to do so (annual leave will always be paid on full pay and sick pay will be suspended for that period). Doctor's notes should still be provided for this period;

- Where an employee with an allocation of annual leave has not been able to take their leave in the leave year due to sickness, they can carry over their **statutory** leave entitlement to the next leave year.
- Bank Holiday entitlement does not accrue whilst on sick leave.

8.2 'Part year' or 'term time only' employees do not receive an allocation of annual leave to exhaust during the academic year and are paid their annual leave entitlement as part of an annualised salary. Therefore, the provisions of 8.1 do not apply.

9 MEDICAL SUSPENSION

9.1 An employee may be suspended from duty where the manager, through the process of risk assessment, has a genuine concern about an employee's health, safety or wellbeing at work, as follows:

- An employee attends for work (or returns to work after a sickness absence) and the line manager doubts their ability to perform the full range of their duties in a safe way; and/or
- An employee is unwell or has a condition which causes the line manager concern and might present a risk to the employee or to others.
- If an employee is pregnant and there is a health and safety risk to the employee or their baby and the academy cannot provide a reasonable and safe alternative to the role.

9.2 The decision to suspend should only be taken in exceptional circumstances and after the manager has advised the employee of their concerns, asked them to seek medical advice and obtain sickness certification. The manager may take the decision to suspend on medical grounds, following discussion with Human Resources and, if necessary, Occupational Health. Consideration of adjustments to the role or temporary redeployment should be considered first. Medical suspension should last no longer than a maximum of 26 weeks. Absence management will still take place during medical suspension. This will not count towards triggers.

9.3 The employee may alternatively be required to seek an appointment with their GP to obtain a fit note (which will confirm their fitness to work, or not).

9.4 Providing the employee has complied with any request to provide a fit note or attend OH, the employee will be paid full pay if suspended. If an employee does not seek advice from their GP or the GP provides a fit note confirming unfitness for work, occupational/statutory sick pay will be paid in accordance with the employee's sick pay entitlement.

10 REHABILITATION PERIODS (PHASED RETURNS TO WORK)

- 10.1 Where an employee has had a particularly long absence and/or are still recovering, a rehabilitation period (phased return) may be appropriate. A phased return to work will not be suitable in every situation. The premise of a phased return is that the employee is well enough to carry out some work, and is likely, given time, to recover sufficiently to return to their normal duties. A phased return to work should be based on medical advice, either in a fit note from the employee's GP, or in an occupational health report.
- 10.2 This could take the form of an action plan, drawn up between the employee's line manager and the employee and with reference to Occupational Health/GP advice. It would determine the days to be worked each week and the duties to be undertaken. A period of up to 4 weeks, dependent on medical advice, allowing some time to concentrate on getting the employee 'back up to speed' with the developments which have occurred during their sickness absence. Returning on a part-time basis which is gradually increased over the rehabilitation period to full time can also help. Where employees have manual duties (e.g. Caretaker) the programme could also incorporate 'light duties' as part of the action plan.
- 10.3 In exceptional circumstances a rehabilitation period may be extended to six weeks. However after that time, if the employee is still unable to return to their full, substantive duties they may need to consider a temporary, or permanent, reduction in their contractual hours in order to support them back to work on a sustainable basis.

11 THIRD PARTY CLAIMS

- 11.1 An employee who is absent as a result of an accident, where damages may be receivable from a third party, must notify their line manager of the circumstances of their absence. The line manager or the employee should then pass on the information to the relevant payroll provider who will liaise directly with the employee. Where loss of earnings may form part of the damages received, the Trust will undertake to reclaim a refund of the sick pay allowance paid to them during their absence.
- 11.2 Where a refund of any payments under the sick scheme is made in full, the period of absence will not be counted against the employee's entitlement to sick pay allowance, however absence will still be considered for the purposes of any absence triggers or attendance targets under this Policy.

12 REQUIREMENTS TO SUBMIT TO MEDICAL EXAMINATION

- 12.1 Any employee shall, if required by the Trust, undergo a medical examination with an appropriately qualified occupational health or medical practitioner. This may be in any reasonable circumstances where there is the need for advice on fitness for work, regardless of whether or not the employee is currently absent.
- 12.2 In the event of a difference of opinion between an employee's GP and the Trust's occupational health unit regarding an employee's fitness for work, functional capacity or the existence of an underlying medical condition contributing towards persistent sickness absences, the OH unit's advice will normally take precedence. However, the matter will, at the request of the Trust or the employee, be referred to an independent medical referee ("independent" referring to either a specialist or an alternative OH physician not previously involved in the case).
- 12.3 If the independent doctor determines that an absent employee is fit to resume work, then the Trust would expect an immediate return to work.

13 NEGLECT OF HEALTH

- 13.1 Where an employee without sufficient cause neglects to carry out any instruction of a medical officer appointed by the Academy/Trust or, while absent from duty due to ill health, commits any act or adopts any conduct which wilfully hinders their return to duty, the employee may be liable to action under the Trust disciplinary policy.

14 FAILURE TO COMPLY WITH THE MANAGING SICKNESS ABSENCE POLICY/PROCEDURES

- 14.1 Where an employee does not submit medical certification, occupational and statutory sick pay will be suspended.
- 14.2 Unreasonable failure to comply with the Managing Attendance Procedure may result in the suspension of occupational sick pay and disciplinary action being taken.

This includes, but is not limited to:

- Unreasonable failure to attend Occupational Health appointments,
- Where consent is refused to the Employer to obtaining medical records/reports from Occupational Health,
- Failure to submit medical certification where this is required under the Trust procedure,
- Failure to make and remain in contact with line manager during absence,

- Unreasonable failure to attend any meetings organised in connection with the Managing Attendance Procedure.

14.3 In circumstances where an employee unreasonably fails to attend an Absence / Attendance Review Meeting / Capability Hearing, given due notification these meetings can be held and decisions made in their absence, based on the information available at the time of the meeting.

15 DISABILITY RELATED ABSENCE

Reasonable Adjustments

- 15.1 Reasonable adjustments are required to accommodate disabled people by helping them overcome the practical effects of their disability. If an employer does not make adjustments, where an employee is at a substantial disadvantage compared with those who are not disabled, the employer has to show that the adjustments proposed would be unreasonable in all the circumstances of the case.
- 15.2 In determining whether an adjustment is reasonable, the following should be considered (this list is not exhaustive):
- The extent to which making the adjustment would remove the substantial disadvantage;
 - Is it reasonable to make the adjustment;
 - The financial and other costs that would be incurred in making the adjustment;
 - The extent to which making the adjustment would disrupt the work of the Trust's or other employees;
 - The extent of the Trust's financial and other resources;
 - The availability of financial or other assistance with respect to making the adjustment (Access to Work can help with costs and in some cases will meet 100% of costs).
- 15.3 Most adjustments cost little or nothing and it is often a matter of flexibility and developing a creative approach to working practices.
- 15.4 Timely action is crucial and a delay in making a reasonable adjustment may amount to unlawful disability discrimination. Once it has been identified that a reasonable adjustment is to be made, this should be progressed without undue delay. It is useful to record the decision in writing being specific about the adjustment that has been agreed and setting out a timetable for implementation if necessary with review periods where appropriate to check that the agreed adjustment is having the intended effect.

- 15.5 It is important to regularly review that the adjustments put in place continue to work as part of your regular line management process.
- 15.6 Written records of reasonable adjustments considered and implemented should be kept. Where it has not been possible or practicable to make a particular adjustment the reasons should be documented and retained on file.
- 15.7 Occupational Health and disabled people themselves may have detailed knowledge on the effects of their impairment and how these can be overcome. Managers should discuss possible adjustments and engage in joint problem solving remaining open to suggestions about how jobs or working arrangements might be done differently to support a disabled person to remain in employment.

Trigger points

- 15.8 This Policy and Procedure is designed to improve employee attendance by ensuring that issues to do with employee health and wellbeing are addressed in an appropriate and timely manner. The policy outlines the 'trigger points' and the attendance management processes the Trust will follow in cases where an employee's attendance is a cause for concern.
- 15.9 If the employee's absence is because of a disability (or some of their absence is because of a disability), the manager must discuss the circumstances with HR before any decision to move to the next stage of a process is taken.
- 15.10 Where an employee has triggered the sickness absence management process and they have been invited to an absence or attendance review meeting, the meeting should explore:
- The level of absence and reasons for absence
 - Whether some or all of the absences are because of a disability
 - The specific impact (if any) of the employee's absence i.e. impact on the team / service / other colleagues, etc. This should not be theoretical statements about the impact of employee absence generally but specific examples of how the individual employee's particular absences have impacted on the relevant work area.
 - If the absence is because of the employee's disability, whether any reasonable adjustments can be considered to help the employee attend work
- 15.11 The manager may consider whether it would be reasonable in all the circumstances to adjust the application of the Policy for the disabled employee to avoid the employee being placed at a disadvantage when compared with non-disabled employees. For example, the manager might agree to discount some of the absences taking into account the nature of

the employee's disability. Consideration of any reasonable adjustments already in place or that could be put in place to support the employee at work should be given.

15.12 In all cases where an adjustment is being considered, managers should seek advice from HR.

15.13 Dismissal, including compulsory early retirement, of a disabled person for a reason relating to their disability would need to be justified by good reason and the reason(s) for it would have to be one(s) which could not be removed by any reasonable adjustment(s). In summary, it would be justifiable to terminate the employment of a member of staff whose disability makes it impossible for him/her to any longer perform the main functions of their job if an adjustment, (such as a move to a vacant post), is not practicable or otherwise not reasonable to have to make.

16 MENTAL HEALTH AWARENESS

16.1 Mental health problems can affect anyone regardless of their job, age, gender or social background. Mental health can seriously affect some people's ability to cope with everyday life, including work, while others can effectively manage their condition alongside the demands of a job and their other responsibilities. Managers should not assume that someone will be unable to stay in work if they have a mental health problem.

16.2 Stress is often regarded as a mental health problem. In itself, stress is not a medical condition, but it can lead to anxiety and depression. Managing stress effectively is therefore an important part of an organisational approach to supporting employees with mental health problems. For more information see the Trust's Stress Management Policy.

16.3 Employers have a duty of care under the law, which means they must do all they reasonably can to support their employees' health, safety and wellbeing. This includes:

- Making sure the working environment is safe
- Protecting staff from discrimination
- Carrying out risk assessments

16.4 People with mental health problems often say that the biggest problem they face is the stigma, rather than their actual condition. This can prevent them from being open about their mental health problems which can delay them getting the support they need.

16.5 Managers can help to create an environment where employees feel able to be open about their health by:

- Providing opportunities for employees to discuss their health concerns, such as 1:1's;
- Making sure employees are aware of mental health support services and organisational support
- Making sure that stigmatising language and banter are not used within the workplace.
- Treating mental and physical health as equally important
- Encouraging positive mental health, for example arranging mental health awareness training, workshops or appointing a mental health 'champion' who staff can talk to

16.6 Early intervention can be critical in supporting employees with mental health problems, helping them to stay at or return to work. If an employee tells you they have a mental health problem, or you suspect they do, it is important to talk to them as soon as possible to establish their needs and put the appropriate support in place. During the discussion, the manager will:

- Explore any work-related issues and how they can be addressed
- Discuss any temporary or permanent changes you can make to the employees work pattern or duties which might help.
- Ask the employee who you should contact if there is a crisis at work.
- Encourage the employee to see their GP or other healthcare professional, if appropriate
- Make an early or immediate referral to occupational health for advice on how to manage mental health problems at work
- Ask the employee whether they would like any information to be shared with colleagues and respect their wishes.

17 OTHER SICKNESS / HEALTH RELATED ABSENCE SITUATIONS

17.1 Attending Medical Appointments

- a) Where an employee is not absent from work due to ill health, all employees are expected to arrange doctor, dentist and opticians' appointments in their own time. This also applies to 'private' physiotherapy sessions. Where appointments can only be made during the course of the working day, permission to be released from work to attend the appointment must be obtained, but cannot be guaranteed. Any such time off to attend medical appointments will not be paid.
- b) Where an employee is not absent from work due to ill health but they are required to attend a hospital outpatient appointment or physiotherapy session through the NHS, or an equivalent private healthcare provider, as part of an course of

treatment or for investigations which has a fixed appointment date/time, up to three hours paid time off will be permitted provided that the employee obtains agreement to attend at the earliest reasonable opportunity following notification of the appointment. Employees will be expected to attend work before the appointment and/or return to work following the appointment, if this is within working hours.

- c) Where an appointment lasts longer than three hours managers should use their discretion as to whether to allow the additional time to be paid, worked back at a later date or for other leave arrangements such as annual leave or unpaid leave. The decision should be based on the employee's individual circumstances and, where necessary, following consultation with Human Resources
- d) The 3-hour maximum will apply for each individual appointment or treatment session. However, this is not limitless and the employee may be required to use some of their own time to cover appointments where time off is detrimental to the needs of the academy.
- e) The 3-hour limit does not apply to appointments for the purpose of cancer screening. Time off for this purpose will be dependent on the nature of the screening and the length of the appointment.
- f) Where an employee has a disability or condition covered by the Equality Act 2010 the academy is required to make reasonable adjustments, including flexibility when considering time off to attend appointments. (see Disability Leave)
- g) For the avoidance of doubt time will not be 'credited back' to employees for appointments attended whilst absent from work due to ill health.

17.2 Attendance at Occupational Health (OH) Appointments

- a) The Trust offer a number of support services through it's OH provider. Such appointments are made at the referral of the academy in order to support employees who may be experiencing difficulty at work or at home or have health issues that are impacting on their ability to provide regular and efficient service.
- b) Where an employee is not absent from work due to ill health but receives an appointment to attend an occupational health consultation (either in person or via telephone) that time off will be credited with pay, subject to any cover arrangements being agreed with management. This also applies where an

employee is referred through OH for additional support such as counselling or physiotherapy.

- c) Time will not be 'credited back' to employees for appointments attended whilst absent from work due to ill health.

17.3 Optional Treatments & Procedures

- a) For optional treatment and procedures (that are not medically required for health reasons), such as (but not limited to) fertility treatment, gender reassignment, sterilisation treatment, employees should attempt to make appointments leading up to the procedure, e.g. consultations, non-surgical tests etc outside of their working day.
- b) Where appointments can only be made during the course of the working day, line manager/headteacher are encouraged to be flexible, for example, allowing an employee to start work late or finish early and to make up any time owed, and use their discretion when considering leave options, for example, annual leave or unpaid leave. The decision should be based on the employee's individual circumstances and, where necessary, following consultation with HR.
- b) Where an employee undergoes any surgical interventions during the course of the treatment, any absence related to the procedure or subsequent recovery period should be treated as sickness absence and will be covered by the Trust Managing Sickness Absence Policy.
- c) Employees should explain the circumstances, in advance, to their line manager/headteacher and are expected to give as much notice as is reasonably practical of any appointments. It is recognised though that once a course of treatment has commenced it may be necessary for an employee to take time off to attend appointments and, in the case of fertility treatment, at short notice and at certain times of the day. In the case of gender reassignment, it is acknowledged that this could be a lengthy process. Line manager/headteachers are advised to be flexible when considering leave requests.

17.4 Cosmetic Surgery

- a) Employees who choose to undergo treatment and procedures for cosmetic reasons, for example, cosmetic surgery, will be expected to use their annual leave entitlement and/or request unpaid leave to cover any absence required for both the procedure and subsequent recovery period.

- b) Elective surgery for cosmetic reasons should not be covered by sickness absence unless supported by an underlying medical reason, supported by a medical practitioner, or where the procedure results in unanticipated complications.
- c) Where an employee is required to have cosmetic surgery, such as situations where surgery is required as part of treatment plan for an underlying medical reason (relating to either physical or mental health conditions) and is supported by a medical practitioner, this will be treated as sickness absence. If the procedure results in unanticipated complications, this should also be treated as sickness absence and will be covered by the Trust Managing Sickness Absence Policy.

18 THE PROCEDURES

18.1 Part 2 of this document outlines the procedures for:

- A. Managing individual sickness absences;
- B. Managing a long-term sickness absence (extends beyond four weeks);
- C. Managing Overall Attendance (multiple sickness absences).

TCAT



MANAGING SICKNESS ABSENCE POLICY 2021

PART 2 – PROCEDURES

PROCEDURE A

MANAGING INDIVIDUAL SICKNESS ABSENCES

1 NOTIFICATION & REPORTING OF SICKNESS ABSENCE

- 1.1 Employees should contact their Head / Principal or nominated alternative officer of their inability to attend work by [academies to insert time here] on the first day of their absence. This contact should be in person and by telephone. Only under exceptional circumstances should someone else make this call on their behalf.
- 1.2 Should an employee be unable to personally speak to the appropriate contact an interim message should be left in respect of the non-attendance in order for immediate cover arrangements to be made.
- 1.3 A text message / voicemail may be used in instances where it has not been possible to speak to someone but all efforts should be made by the employee to speak with the nominated contact as early in the day as possible.
- 1.4 The employee should specify the reason for the absence and, where possible, give an indication of the likely duration of the absence and when they expect to return to work. The following information should be recorded by the nominated contact:
 - The employee's name;
 - The reason for absence;
 - The likely duration of the absence;
 - Whether the absence is perceived to be due to the direct result of an accident or injury sustained at work;
 - Any immediate implications for work of the absent employee (eg meetings that need to be rearranged / covered etc);
 - When the employee will call again (usually on day 4 at the latest, if not returned to work unless already provided with a GP note to notify of an absence beyond 7 days)
- 1.5 Where the sickness absence is for a reason relating to stress/anxiety/depression, or a musculo-skeletal condition, the manager should discuss the nature and circumstances of the condition with the individual, and contact HR to discuss the appropriateness of an immediate referral to occupational health.
- 1.6 Where the employee is unable to return to work on the date indicated they should contact their line manager again, in accordance with the agreed notification requirements, indicating the revised expected date of return or agree a date and time when they will contact their manager again to inform them of their progress.

- 1.7 Sickness absence that extends beyond 7 days needs to be covered by a medical certificate. Medical certificates may be required for other reasons and employees should ensure that they take copies of the document before sending to their line manager.
- 1.8 Where an employee unreasonably fails to follow the sickness absence notification procedure the absence will be treated as an unauthorised absence. Cases of unauthorised absence will be dealt with under the Disciplinary Policy.

2 MAINTAINING CONTACT

- 2.1 It is important that contact is maintained between the academy and the employee. Contact is necessary to ensure the welfare and wellbeing of the employee and to ensure that teaching and learning can be planned accordingly.
- 2.2 Contact should be maintained between employee and Head Teacher or nominated officer at appropriate, regular intervals. The main reasons for this are as follows:
- To show support and prevent the employee from feeling isolated;
 - To find out if the employee needs particular arrangements made to facilitate their smooth return to work;
 - To ensure the academy is fully briefed on the employee's circumstances, should a referral be needed to Occupational Health.
- 2.3 Employees must contact their manager at least 2 days before their medical certificate is due to expire to update the manager on progress. N.B Failure to supply medical certificates may result in the absence being considered as unauthorised which may lead to the withholding of sick pay and disciplinary action.
- 2.4 Whilst appropriate contact can occur at any time, the manager should ensure that they have made appropriate contact with the employee by the time their sickness absence has reached two weeks' duration. Where appropriate, arrangements to see the employee in person should be made. This may be through a home visit or agreement to meet at a mutually convenient location. This will normally be an informal meeting to check on the employee's welfare and progress. As this is an informal welfare meeting there is no requirement for an employee to be accompanied. However, if an employee would like a Trade Union representative or colleague with them then this should be accommodated where possible.
- 2.5 For sickness absence that lasts, or is expected to last for four weeks or more, the long-term sickness procedure should be adopted (SEE PROCEDURE B – MANAGING A LONG-TERM SICKNESS ABSENCE). Where there is a long-term absence, it is important that

contact is maintained with the agreement of both parties. Where an employee has expressed as wish to receive no direct contact / express contact with a particular individual advice should be sought from HR / OH. In these circumstances contact through a TU rep may be appropriate / beneficial. However, employees will be expected to comply with the requirement to attend formal review meetings, in line with the appropriate procedure.

3 OCCUPATIONAL HEALTH REFERRALS

- 3.1 Occupational health advice plays a key role in supporting a healthy workforce and reducing sickness absence. Referrals can take place at any time during a sickness absence, and also when employees are in work. Managers should refer an employee to the Trust's Occupational Health (OH) provider to obtain medical opinion on the employee's condition and its impact on work (and vice versa). OH will advise managers on the impact of an employee's health condition/s on their ability to undertake their role, and to suggest reasonable supportive measures in this regard. This information will help managers make informed decisions when managing sickness absence.
- 3.2 The manager should discuss their intention to make a referral with the employee, in advance of making the arrangements and liaise with HR for support and guidance where required.

4 CONFLICTING MEDICAL OPINIONS

- 4.1 In the event of a difference of opinion between an employee's GP and the Trust's OH provider, regarding an employee's fitness for work, functional capacity or the existence of an underlying medical condition contributing towards persistent sickness absences, the OH advice will normally take precedence. However, the matter will, at the request of the Trust or the employee, be referred to an independent medical referee ("independent" referring to either a specialist or an alternative OH physician not previously involved in the case).

5 RETURN TO WORK INTERVIEW

- 5.1 A return to work interview will be carried with an employee following any period of sickness. This should be carried out in private by the designated manager following any instance of sickness absence, for whatever reason. The return to work interview can, at the reasonable request of the employee, be conducted by a manager of the same gender. The manager must have available details of sickness absence within the previous 12 months, dating back from the first day of sickness absence.

- 5.2 The interview will take place, in most circumstances, upon the immediate return to work of the employee. It is accepted that this may be difficult in certain areas, but unless there are exceptional circumstances, the interview will take place no later than three days following the return to work.
- 5.3 The interview should be recorded on a standard return to work interview form as a record of what was discussed and actions agreed. The manager will keep a signed copy for their own records. A signed copy may be given to the employee if they request a copy.
- 5.4 At the conclusion of the return to work interview the employee will be informed that either:
- (a) Where circumstances reveal a need for advice and/or support then this will be offered and progress monitored, e.g. referred to OH.
 - (b) Where the most recent sickness absence results in an attendance management trigger being hit (See para 2.2 of Procedure C – Attendance Management Triggers) the employee will be notified that their sickness absence level is reaching the stage for concern, that a formal procedure will be commenced and that they will be required to attend an Attendance Review Meeting (SEE PROCEDURE C – MANAGING OVERALL ATTENDANCE (MULTIPLE SICKNESS ABSENCES)).
 - (c) Where the most recent absence means that any further absence is likely to result in an attendance management trigger being hit the manager should alert the employee to this fact and the implications in line with (b) above.
 - (d) Where the most recent absence does not result in an attendance management trigger being hit the manager will remind the employee of the need to achieve and maintain good attendance levels, although good previous attendance should be acknowledged.
 - (e) Failure to follow sickness notification procedures or unauthorised absence should be handled under the disciplinary procedure. It may be necessary to remind employees at the return to work interview of the requirements for notifying sickness, timescales, when self-certification and GP certificates are required. This should be noted on the proforma if necessary.
- 5.5 There may be occasions where an employee wants to return to work before the end date on their fit note. An employee will not need to see a doctor to be signed back to work, but must agree with their manager whether this is appropriate or not. If the manager is in any doubt they could refer the individual to occupational health prior to return.

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MANAGING SICKNESS ABSENCE POLICY 2021

PART 2 – PROCEDURES

PROCEDURE B

MANAGING A LONG-TERM SICKNESS ABSENCE

1 DEFINITION

- 1.1 Long term sickness absence occurs when an employee is absent from work for a continuous or linked periods of 4 weeks (28 calendar days) or more as a result of an ongoing, serious health issue. It can normally be distinguished from intermittent absences in that it tends to be continuous and is usually traced to an underlying medical condition.
- 1.2 Once it is apparent that an employee's sickness absence will be for this duration or more, consideration needs to be given to whether an employee should be referred to the Occupational Health Unit. This consideration should happen immediately for employees whose sickness absence is related to stress/anxiety/depression, or a musculo-skeletal condition. Contact should be made with Human Resources to discuss the referral. A referral should only be made following notification to the employee.
- 1.3 In some instances, it may be apparent at the outset that the sickness absence is going to be long-term and that this procedure should be adopted. This should, however, also be read in conjunction with the managing individual absences procedure, which provides direction and advice regarding absence notification and return to work interviews.

2 INITIAL STEPS

- 2.1 Contact and support should be maintained as outlined in managing individual absences procedure. Dependent on the nature of the nature and duration of a health condition, there may be various meetings undertaken between management and the employee to discuss progress and next steps.
- 2.2 As indicated in 2.4 of the managing individual absences procedure, where appropriate, arrangements to see the employee in person should be made where an absence becomes 'long term'. This may be through a home visit or agreement to meet at a mutually convenient location. This will normally be an informal meeting to check on the employee's welfare and progress. As this is an 'informal welfare meeting' there is no requirement for an employee to be accompanied. However, if an employee would like a Trade Union representative or colleague with them then this should be accommodated where possible.
- 2.4 The number and frequency of such meetings cannot be pre-prescribed. However, where absence continues, and there is no prospect of an imminent return to work formal meetings under the procedure should be arranged in order that specific points in relation to the absence can be discussed.
- 2.5 In some cases, it may be clear at an early stage that the employee is unlikely to be fit to resume work and may meet the criteria for retirement on the grounds of permanent ill

health. If the employee requests retirement on grounds of permanent ill health and OH can support this, then mutually acceptable arrangements can be made. For example, there will be no need to go through each stage of the formal process. Once the ill health retirement has been agreed it may be possible to proceed directly to Stage 3 of the process.

3 FORMAL STAGE ONE ABSENCE REVIEW MEETING

3.1 If, after approximately 8 weeks of absence, the prognosis for a return to work is unknown or unreasonably long, or there are factors relating to an employee's substantive duties requiring consideration, a meeting should be arranged with the employee. The employee should be informed that they are entitled to be accompanied by a Trade Union representative or workplace colleague.

3.2 At this Stage 1 interview, the following specific points should be addressed :-

- Review the current state of health, potential length of sickness absence and likelihood of a return to work, taking account of any medical advice available;
- Determine if a referral to OHU is required;
- Explore with the employee whether they consider reasonable practical adjustments could be made to the job to enable them to return to work. This may then need further discussion through others, such as HR, Health and Safety or external specialist advisors. Special considerations may be necessary for employees with disabilities;
- If a rehabilitation plan has been recommended by OH, and is compatible with academy needs, this will normally be at no detriment to the individual's normal pay for a period of up to four weeks. If the phasing exceeds four weeks, the plan should be reviewed. After such time, any continuation of reduced hours should normally be accommodated by adjusting employees' pay to reflect actual hours worked. Any extension to this four-week period of accommodation will only be under exceptional circumstances;
- A review period should be set after which a future meeting will take place, which may need to consider a review date set by OHU;
- It will be necessary to explain that should the absence continue beyond the review date, this will result in a Formal Stage Two Absence Review Meeting which may, ultimately, put their employment at risk if the situation does not sufficiently improve;

- The Headteacher/Principal or other nominated person in the academy, should normally conduct the interview, with the support of a representative of HR, if appropriate. The outcome of the meeting should be confirmed in writing, making explicit any reference to expectations and potential consequences of a failure to return to work, and sustain attendance, that were discussed at the meeting.

4 FORMAL STAGE TWO ABSENCE REVIEW MEETING

- 4.1 A Formal Stage Two Absence Review Meeting should be arranged to review the position and explore further issues relating to redeployment and reasonable adjustments to the job, taking into account available medical information. The employee will have the right to be accompanied by a Trade Union representative or a workplace colleague.
- 4.2 If the sickness absence continues with no reasonable prospect of a return to work, consideration should be given to either a further review (remaining at Stage Two of the procedure) or whether it is appropriate to move to Stage 3.
- 4.3 The outcome of the meeting should be confirmed in writing, again making explicit any reference to expectations and potential consequences of a failure to return to work, and sustain attendance, that were discussed at the meeting.
- 4.4 Where progression to Stage 3 is being considered, Occupational Health must be consulted with a view to the possibility of ill health retirement.

5 FORMAL STAGE THREE ABSENCE REVIEW HEARING

- 5.1 If, after having had meetings at Stages 1 and 2, there is still no prospect of a sustained return to work, then the employee's absence should be reviewed at a Formal Stage Three Absence Review Hearing. The review will include giving consideration as to whether the employee should be dismissed because of a continuing sickness absence and/or unsatisfactory attendance record resulting in a failure to provide regular and efficient service.
- 5.2 Before arranging a hearing the manager should undertake a review of the case and the current circumstances, to ensure that it is appropriate to proceed to this stage.
- 5.3 In determining what action to take, and before a decision is taken to arrange Stage Three Hearing to dismiss an employee, the manager must be satisfied that every avenue to continue employment has been explored. This may include consideration of adjustments, particularly in relation to employees with disabilities. Prior to taking formal action, Human

Resources should be consulted. Where Occupational Health is not already involved, the overall medical position must be obtained from the Trust's Occupational Health Physician.

- 5.4 If a Hearing is to be arranged, the employee should be informed in writing that they are required to attend a hearing. The letter should explain that the purpose of the meeting is to enable a review of all aspects of the case and determine the way forward. It should also make clear that a potential outcome may be the termination of their employment. The employee will have the right to be accompanied by their Trade Union representative or a workplace colleague.
- 5.5 The written notification should be given with 10 working days' notice and all accompanying papers and report to be considered at the hearing should be distributed at that time.
- 5.6 The Hearing will be presided over by a panel of governors drawn from the Local Governing Body. A representative of HR, who has not previously been involved, should also be present at the meeting to support the panel. If the employee is unable to attend a meeting on academy premises, then they may arrange to have their case submitted in writing. In certain exceptional circumstances a meeting may be arranged in an alternative venue agreed to by all parties.
- 5.7 In circumstances whereby an employee fails to attend any stage of Absence Review Meetings or the Absence Review Hearing, given due notification these meetings can be held and decisions made in their absence, based on the information available at the time of the meeting.
- 5.8 Following full consideration of the case, including available Occupational Health advice, the representations of the employee and any managerial or organisational issues in the workplace, the Panel must come to a decision about an appropriate way forward. This may entail, but not be limited to:
- A further review of matters – with advice that specific information is to be reported back, and the Hearing reconvened within a specific period of time; or,
 - Dismissal on the grounds of lack of capability through ill health, and/or failure to give regular and efficient service
- 5.8 This decision should be confirmed in writing. Where appropriate and where a decision to dismiss from employment is taken, it will be necessary for the Panel to take account of appropriate notice provisions and confirm the employee's right of appeal against dismissal to the relevant Appeals Committee. There should also be clarification of the Internal

Disputes Resolution Procedure in cases where the Trust has not granted an employee's request for early release of pension benefits on the grounds of ill-health.

6 RIGHT OF APPEAL

- 6.1 An employee may exercise a right of appeal against dismissal, within 10 working days of receipt of the written notice of dismissal. This must be made in writing, addressed to the Chair of Governors, stipulating the grounds of appeal. Appeals on dismissal will be heard in line with the Academy's constitution on appeals.
- 6.2 When lodging an appeal, the employee should clearly state the grounds on which the appeal is made; including detailed reasons and evidence (where relevant).

7 RETURNING TO WORK AFTER A LONG TERM ABSENCE

- 7.1 Following a return to work from long term absence, a return to work interview should be held and, in turn an Attendance Review Meeting arranged as the absence will have resulted in a trigger being hit. A long term absence does not preclude a manager issuing a formal warning, using the principles/procedure of attendance management procedure.
- 7.2 Where an employee returns to work following a period of sickness absence and subsequently reports absent again, it may be appropriate to return to the same stage of the procedure as under the previous sickness absence. This decision would be dependent on the circumstances and managers should seek advice from Human Resources before taking any formal action.

8 SPECIAL CONSIDERATIONS

- 8.1 Special consideration should be given to females who are absent for a reason attributable to their pregnancy. If there is concern regarding health and regular/long-term absence arising from pregnancy, advice should be sought from the Human Resources Division and the OHU. Risk assessments for pregnant workers should always be undertaken in accordance with the guide on Maternity Leave under "Parental Matters".
- 8.2 Sickness absences related to disability should also be given special consideration, which has been referred to throughout this procedure. Whilst there is not a requirement to exclude disability-related absence from the consideration of formal action, there is an obligation to give greater consideration to reasonable adjustments and to justify actions taken in the application of this procedure. It is again advisable for managers to seek advice from Human Resources.

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MANAGING SICKNESS ABSENCE POLICY 2021

PART 2 – PROCEDURES

PROCEDURE C

MANAGING OVERALL ATTENDANCE (MULTIPLE SICKNESS ABSENCES)

1 APPLICATION OF THE PROCEDURE

- 1.1 A return to work interview will be carried with an employee following any period of sickness absence. The manager must have available details of sickness absence within the previous 12 months, dating back from the first day of sickness absence.
- 1.2 Where the most recent sickness absence results in an attendance management trigger being hit (See section 2, below – Attendance Management Triggers) the employee will be notified that their sickness absence level is reaching the stage for concern, that a formal procedure will be commenced and that they will be required to attend an Attendance Review Meeting.

2 ATTENDANCE MANAGEMENT TRIGGERS

- 2.1 Trigger points are a key part of the sickness absence management procedures to ensure that managers have the opportunity to investigate any possible underlying reasons for absence at an early stage and that there is a consistent and fair approach to sickness absence management.
- 2.2 The Attendance Management Procedure will be started when an employee's absence level reaches the following trigger points:
 - 4 occasions of absence in a rolling 12 month period; and/or
 - 10 working days in a rolling 12 month period (for part time employees this includes all working days whether it is their working day or not, for example if a person only works 3 days a week but is off work for two calendar weeks, this would equate to 10 working days); or
 - The employee's absence falls outside of these thresholds, but their level of absence is a cause for concern. This may be where, for example, there is a regular absence pattern that falls outside the thresholds of the policy. Examples include:
 - Unacceptable patterns, e.g. regular Friday or Monday absence and before and after Bank Holidays;
 - Unacceptable yearly patterns, e.g. same week each year or at busy times, e.g. exams, coursework deadlines and marking;
 - Several one-off days of sickness over a short period, not necessarily in any pattern;
 - Sickness following refusal of annual leave;
 - Where absence is considered to be unacceptable relative to the length of contract, i.e. temporary / fixed-term.

- 2.3 In certain circumstances, periods of sickness absence will be considered separately when applying triggers or contemplating warnings, e.g. pregnancy related absence should not count towards triggers or the warning system. This does not mean, however, that the sickness absence should be ignored, and managers can continue to follow the policy and procedures with regard to employee communication and seeking any advice necessary concerning the employee's health and fitness for work.
- 2.4 Sickness absences related to disability should also be given separate consideration. Whilst there is not a requirement to exclude disability-related sickness absence from the consideration of formal action, there may be the requirement to reasonably adjust triggers and policy-application in certain circumstances. Consideration to the Equality Act 2010 must be made as soon as possible, when it is established that the employee may meet the definition of disability. This must be done in consultation with Human Resources and relevant employee representatives, in terms of offering and/or making reasonable adjustments to enable the employee to undertake their job, or any other suitable alternative employment.

3 ATTENDANCE REVIEW MEETINGS

- 3.1 Attendance Review Meetings will be convened where a trigger (as outlined at 2.1) has been reached. The meeting should be held, as far as practically possible, within ten days of the return to work interview.
- 3.2 The employee can be accompanied by a trade union or work colleague. In some situations it may be appropriate for an HR Business Partner to also be present, but this may only be in certain circumstances where specialist support is required.
- 3.3 At the meeting, the Head / Principal, or other nominated person should explore with the employee whether there is an underlying cause to the absence, and consider if anything can be offered to assist in improved attendance levels. Consideration should be given as to whether there is a pattern to the sickness absence, whether the condition is a recurring one, and whether or not the employee perceives there to be any work-related cause/contributor. Where there is evidence of this, managers are advised to contact HR to discuss the situation and determine an appropriate way forward. Dependent upon the circumstances, it could be appropriate to refer to other policies or procedures.
- 3.4 An employee may have persistent health problems, linked or unlinked, which provoke frequent periods of absence. Where they are linked, the employee should be encouraged at an early stage to seek medical advice. In any event, consideration may be given to a formal referral to the Trust's Occupational Health Unit.

- 3.4 The outcome of the Attendance Review Meeting will be that a review period, lasting a minimum of 12 months will be established. The employee should be advised of potential future action, including the issuing of formal warnings if their attendance fails to improve.
- 3.5 All future absences within the review period will automatically result in an Attendance Review Meeting (following the completion of a return to work interview).
- 3.6 Where, during a review period, there is a small amount of further sickness absence and escalation to a formal warning is not deemed appropriate, consideration may be given to extend the review period for a further 6 month period. At the end of this extension, the Head Teacher, Deputy or Assistant Head Teacher, or other nominated person in academy must decide whether to issue a warning or to end the review period.
- 3.7 If it is evident, through further absences, that attendance levels are not improving a First Formal Warning can be issued at any point within the review period.

4 ISSUING A FORMAL WARNING

- 4.1 If it is appropriate to issue formal warnings, following reasonable opportunities for attendance to improve, they will be on an incremental basis consisting of a first formal warning, and a final warning prior to the matter being considered at a capability hearing. These will be confirmed in writing. When issued with a formal warning, an employee should be told that further sickness absences may result in dismissal. Prior to taking formal action, Human Resources should be consulted.
- 4.2 Formal warnings issued within this procedure will remain live for a period of 12 months from the date of issue. Issue of further formal warnings at each occurrence need not be the automatic approach and should be determined taking account of all circumstances, in particular where there has been a clear period of improvement in attendance, and when the last warning was issued.
- 4.3 However, if it is evident, through further absences, that attendance levels are not improving a Final Formal Warning can be issued at any point within the review period. Before a Final Warning is issued an opinion on the overall medical position must be obtained from the Trust's Occupational Health Provider.
- 4.4 Following the issue of a formal warning (or extension of a warning) there will be a right of appeal to a more senior level of management. An appeal must be made within 10 working days of receipt of written confirmation of the warning. The employee may be accompanied by a Trade Union Representative or work colleague at the appeal.

- 4.4 In appropriate circumstances, for example, where there has been no improvement in attendance or a small amount of further absence, where escalation to a second formal warning is not appropriate, it may be possible to extend a current warning for a further 6 month period. An employee will be given the right to appeal against the extension of an existing warning, the same as they would if they were given a further warning.
- 4.5 Where during the lifetime of a current warning an employee has a period of long term absence, the remaining lifetime of the warning is suspended during the sickness absence and where considered appropriate, re-activated, on the employees return to work.
- 4.6 At the end of the warning period, where an employee has demonstrated that they are have been able to improve their attendance over a sustained period of time there will be no progression to the next stage and the formal procedure suspended. However, should the employee's absence levels subsequently mean that they hit an attendance trigger within six months of the expiry of the warning, they will reenter the formal procedure at the same stage (i.e., if the employee had been on a final warning, that warning will be reissued for a further 12 months). Should an attendance trigger be hit within 12 months of the expiry of the warning, they will reenter the formal procedure at the stage below (i.e., if the employee had been on a final warning, a first formal warning will be reissued for a further 12 months).
- 4.7 Where a final formal warning has been issued and there has not been an improvement in attendance levels, and there is doubt as to whether they will improve, the matter will be referred to a Capability Hearing where the employee's attendance level will be reviewed and consideration given as to whether the employee should be dismissed because of an unsatisfactory attendance record resulting in a failure to provide regular and efficient service.

5 CAPABILITY HEARING

- 5.1 Before arranging a hearing the manager should undertake a review of the case and the current circumstances, to ensure that it is appropriate to proceed to this stage.
- 5.3 In determining what action to take, and before a decision is taken to arrange a Capability Hearing to dismiss an employee, the manager must be satisfied that every avenue to continue employment has been explored. This may include consideration of adjustments, particularly in relation to employees with disabilities. Prior to taking formal action, Human Resources should be consulted. Where Occupational Health is not already involved, the overall medical position must be obtained from the Trust's Occupational Health Physician.

- 5.4 If a Hearing is to be arranged, the employee should be informed in writing that they are required to attend a hearing. The letter should explain that the purpose of the meeting is to enable a review of all aspects of the case and determine the way forward. It should also make clear that a potential outcome may be the termination of their employment. The employee will have the right to be accompanied by their Trade Union representative or a workplace colleague.
- 5.5 The written notification should be given with 10 working days' notice and all accompanying papers and report to be considered at the hearing should be distributed at that time.
- 5.6 The Hearing will be presided over by a panel of governors drawn from the Local Governing Body. A representative of HR, who has not previously been involved, should also be present at the meeting to support the panel. If the employee is unable to attend a meeting on academy premises, then they may arrange to have their case submitted in writing. In certain exceptional circumstances a meeting may be arranged in an alternative venue agreed to by all parties.
- 5.8 Following full consideration of the case, including available Occupational Health advice, the representations of the employee and any managerial or organisational issues in the workplace, the Panel must come to a decision about an appropriate way forward. This may entail, but not be limited to:
- A further review of matters – with advice that specific information is to be reported back, and the Hearing reconvened within a specific period of time; or,
 - Dismissal on the grounds of lack of a failure to give regular and efficient service
- 5.8 This decision should be confirmed in writing. Where appropriate and where a decision to dismiss from employment is taken, it will be necessary for the Panel to take account of appropriate notice provisions and confirm the employee's right of appeal against dismissal to the relevant Appeals Committee.

6 RIGHT OF APPEAL

- 6.1 An employee may exercise a right of appeal against dismissal, within 10 working days of receipt of the written notice of dismissal. This must be made in writing, addressed to the Chair of Governors, stipulating the grounds of appeal. Appeals on dismissal will be heard in line with the Academy's constitution on appeals.

- 6.2 When lodging an appeal, the employee should clearly state the grounds on which the appeal is made; including detailed reasons and evidence (where relevant).

