

# Staff Absence Policy (including sickness, other absences, and family leave)

Veritas Multi Academy Trust



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## 1. Introduction and Aims

The Trust's Absence Policy is predicated on our mission; to make Veritas MAT an irresistible place to work. The Policy sets out our approach to staff absence and sickness, mindful of the statutory requirements of any employer and the legal frameworks within which we work.

However, we also know that our lives are complex. The enactment of this policy will always be within a culture of care and concern about an individual's wellbeing, to provide support and work with empathy. We know that no policy can cover all aspects of absence, but there is a commitment herein to a compassionate, caring, fair and equitable approach.

The Trust has a designated HR Manager who is able to draw upon expert external advice to ensure that we enact best practice, we learn, and we develop as employers and as an organisation.

The Policy aims to:

- Set out the Trust's approach to staff absence and sickness, including the procedures for reporting absence and sickness and how we manage absence and sickness fairly
- Support all parties in managing staff absence and sickness effectively and consistently, to ensure a fair and transparent approach across the Trust that complies with our duties under the Equality Act 2010
- Set out our approach to requests for time off outside of annual leave or leave covered by other policies
- Help create and maintain a happy and healthy working culture in which staff are encouraged to look after their own and each other's physical and mental wellbeing

## 2. Legislation and guidance

This policy meets the requirements of:

- [Data Protection Act 2018](#)
- [Employment Rights Act 1996](#)
- [Employment: Statutory Code of Practice](#)
- [Equality Act 2010](#)

- o [Induction for Early Career Teachers \(England\)](#)
- o [The Statutory Sick Pay \(General\) Regulations 1982](#)

It also reflects best-practice guidance set out in:

- o [The Advice, Conciliation and Arbitration Service \(Acas\)'s guidance on holiday, sickness and leave](#)
- o The Health and Safety Executive (HSE) [incident reporting in schools](#)

**Some** of our staff have a contract that specifically incorporates conditions from:

- o [School Teachers' Pay and Conditions Document \(STPCD\)](#)
- o [Conditions of Service for School Teachers in England and Wales](#) (the Burgundy Book)
- o [The Kent Scheme Terms and Conditions of Employment](#) (the Blue Book)

These will continue to apply due to the [Transfer of Undertakings \(Protection of Employment\) \(TUPE\) Regulations 2006](#), which protect employees' terms and conditions when a maintained school becomes an academy.

As such, this policy complies with the STPCD, the Burgundy Book and the Blue Book.

#### **Scope:**

This policy applies to all staff who are employed directly by Veritas Multi Academy Trust. Self-employed workers, volunteers and agency workers are not covered by this policy.

### **3. General Family Statement**

The Staff Absence Policy aims to cover a wide range of reasons that impact on our ability to undertake our work. We are committed to supporting our staff through a wide range of factors that also include the caring roles for family members and dependents. Within this Family Statement, we make explicit our commitment to support all colleagues to undertake those important roles and responsibilities by ensuring that we are able to fulfil our contractual obligations but also ensuring that colleagues can have the flexibility within their working life to manage both emergencies (e.g. a child sickness, attending a medical appointment with a sick partner or family member, see 9.7.1) and planned events (e.g. school events and parents' evenings, graduation, see 9.7.2)

The Trust seeks to be able to support all our colleagues to manage their busy lives and recognises the multiple demands. Staff are able and encouraged to request absence which fall within the Family Statement, which will be reviewed with a commitment to support, notwithstanding a full evaluation on the impact on the day-to-day work of our schools. Line Managers, in discussion with the Trust HR Manager and Headteacher, will review requests. Where it is felt that a request cannot be granted, a full discussion pertaining to the request will be held, exploring reasons and offering a mutually agreeable alternative.

Requests for flexible working hours are supported as a positive measure to enable colleagues to manage their work and family life. All staff can make a request for flexible work. [Flexible working: Overview - GOV.UK \(www.gov.uk\)](#)

Our Family Statement sits alongside other family related absences including taking maternity, pregnancy, paternity, shared parental leave, surrogacy and/or adoption leave. These are covered by statutory law and sections within the [Blue](#) and [Burgandy](#) Books which have specific terms for staff and their partners' rights.

### **4. Data protection**

All discussions and sensitive medical and personal information about staff members' sickness and other absence will be treated confidentially by all parties concerned. This data will be collected, used and stored in line with the Data Protection Act 2018. Please refer to our privacy notice for staff members for more detail on how data will be processed.

### **5. Roles and responsibilities**

There are clear roles and responsibilities to ensure that the Trust Absence Policy is fairly implemented.

The role of the Line Manager is critically important. The following roles and responsibilities are defined as:

- The CEO is the Line Manager for the Trust Business Manager, Headteacher and Executive Assistant/Governance Professional, The Chair of the Trust Board is the Line Manager for the CEO. The Trust Business Manager is the Line Manager of the Trust Business Team.
- Headteachers (for all curriculum colleagues) and the Trust HR Manager (for all business support roles) have a key responsibility in monitoring and evaluation of the Policy. Headteachers should use School Business Meetings to follow up on all matters pertaining to HR including the review of the Policy.
- The Trust HR Manager plays an essential role in supporting the implementation of the Policy. Throughout the policy, specific reference is made to the Trust HR Manager, who additionally oversees Line Managers' decision making to ensure parity and equity across the Trust. The Trust is further able to draw upon the external services of an HR specialist team.

Recognising that there will be colleagues new to this role, it is imperative that they are supported through a planned induction process to be able to successfully implement the policy.

The Trust has implemented a management information system 'Every HR', to centrally record and manage all of the Trust's HR functions. The Trust Finance & HR Team record staff sickness absence on the Every HR portal. Other requests for absence (see section 9) are submitted onto the portal in advance by the Employee. The Every HR portal has an inbuilt algorithm to flag to Line Managers, those Employees whose sickness absence is giving a cause for concern. (See section 6 and Appendix B for absence alerts).

## **5.1 Headteacher/Trust Business Manager/CEO**

The Headteacher/Trust Business Manager/CEO are responsible for making sure that:

- This Absence Policy is applied consistently across our schools and that it is in line with equality legislation
- All staff are aware of this policy and their responsibilities

## **5.2 Line managers**

Line managers have day-to-day responsibility for this policy. If staff have questions about this policy, they should refer to their Line manager or the Trust HR Manager in the first instance.

Line managers are responsible for:

- Considering all valid requests for time off equally, fairly, and according to the needs of the school and pupils
- Supporting staff and managing health matters confidentially and sensitively, and in line with the Data Protection Act 2018
- Promoting positive working arrangements, including monitoring workload and maintaining effective communication with staff
- Monitoring staff absence and following the procedures on managing staff absence if 'absence alerts' are surpassed (see section 6 for more)
- Liaising with payroll promptly if a staff member's pay needs to be adjusted as a result of their absence
- Giving due regard to equality legislation and taking any disability requirements into consideration

## **5.3 Trust board**

The Trust Business Group have delegated responsibility for the scrutiny of this policy and the Trust Board approves the policy.

## **5.4 Other staff**

Staff are expected to:

- Follow the procedures set out in this policy
- Adhere to the stated time scales when responding to or appealing the Trust's requests or decisions

## 6. Procedure for reporting sickness absence

The Trust are supportive of our staff's ongoing wellbeing and recognise all forms of sickness absence, which may have an impact on physical or mental health.

We encourage staff to keep an open dialogue with their Line Manager regarding their health to help us:

- Identify absence concerns early on
- Support staff wherever possible, including with rehabilitation and return to work

If a staff member is taken ill or injured while at work, they should report or be taken to their Line Manager to be given permission to leave work, if appropriate. Line Managers should make arrangements for anyone who is unwell to be accompanied home or to receive medical treatment where necessary.

If a staff member is unable to attend work because of illness or injury, they should:

- Follow procedures for the reporting of absences to their Line Manager and contact their relevant finance@ inbox
- Explain the nature of their absence illness or injury and provide an estimate of when they can return to work
- Agree with their Line Manager how and when to keep in touch (see more in section 6.2 below) and confirm contact details
- Advise on any urgent or outstanding work-related matters that need attention.

If the staff member is too unwell or otherwise unable to contact the Line Manager, they should:

- Ask their next of kin to telephone the school to explain the nature of the staff members injury or illness

For absences of more than 7 calendar days, staff members must obtain a "statement of fitness for work" stating that they are not fit for work and the reason(s) why. This should be forwarded to their Line Manager and their relevant finance@ as soon as possible. If absence continues, the staff member must obtain further medical certificates (including any periods of time that the school is closed due to school holidays) to cover the whole period of their absence.

If the statement or medical certificate says that the staff member "may be fit for work", the individual should inform their Line Manager immediately. The Line Manager will discuss any potential measures needed to facilitate the staff member's return to work, having taking into account the healthcare professional's advice and that of the Trust HR Manager. If appropriate measures cannot be taken, the staff member will remain absent and a date will be agreed to review the situation.

### 6.1 Unauthorised absence

If a staff member does not report for work and we receive no contact from them or someone on their behalf (in accordance with section 6), their Line Manager will contact them as soon as possible to:

- Make sure they are safe
- Give them an opportunity to explain their absence

Staff should not treat this as a substitute for reporting absence.

Where staff remain absent without leave and/or there are grounds to believe that they are acting dishonestly or failing to follow the procedures above, the Line Manager should contact the Trust HR Manager for further guidance and this may be treated as an unauthorised absence without pay.

The Trust may deal with cases of unauthorised absence according to the disciplinary procedures within the Trust Discipline and Conduct Policy.

### 6.2 Maintaining contact with Line Managers during absence

If staff are absent, their Line Manager may contact them from time to time to discuss:

- Their wellbeing and expected length of continued absence from work
- Any of their work that requires attention (where appropriate)

The purpose of such contact is to reassure the staff member, and Line Managers will keep it to a reasonable minimum.

If staff have concerns while absent, whether about the reason for their absence or their ability to return to work, they should feel free to contact their Line Manager or the Trust HR Manager, at any time.

### **6.3 Recording of sickness absence**

The Trust records individual staff accumulative absence and will use this data to provide appropriate interventions to support individual members of staff at such times when alerts are flagged. This can be found in Appendix B.

## **7. Sickness absence and pay**

For pay entitlements during phased return to work, see section 8.2 below.

### **7.1 Statutory sick pay and occupational sick pay**

Staff are entitled to statutory sick pay (SSP) [and occupational sick pay], where eligible. The Trust adheres to the [Burgundy book](#) (which outlines conditions of service for teachers) and the [Blue book](#) (for support staff).

SSP:

- Is calculated on a weekly rate and starts on the 4th day of absence, with the first 3 days being unpaid
- May be payable for up to 28 weeks

Qualifying days for SSP are Monday to Friday, or as set out in staff's employment contracts. Read more about eligibility and payment rates at <https://www.gov.uk/statutory-sick-pay>.

### **7.2 Pension contributions during sickness absence**

Both the employer and the staff member will continue to contribute to the staff member's pension scheme during any SSP or occupational sick pay, if the scheme's rules allow this.

### **7.3 Sickness absence caused by a third party**

If a staff member's absence is, or may be, caused by another party who is, or may be, legally liable to pay damages (for example, if the staff member is injured in an accident caused by another person or company), the staff member must immediately give their Line Manager details of this and of any legal claim they are pursuing.

If the Trust asks them to, the staff member must take part in any legal proceedings to recover damages. They must also, if asked, give the Trust the part of any damages or compensation payment that relates to lost earnings. The amount will be all of the following:

- Reasonably determined by the Trust
- Minus any costs the staff member has incurred to get the damages or compensation payment
- Capped at the amount the Trust paid the staff member over the period of absence

## **8. Returning to work**

### **8.1 Return-to-work meeting**

A return-to-work meeting will be instigated by the Line Manager, following a prompt from the Every HR system. This meeting is aimed at supporting employees in returning to work after absence.

A return-to-work meeting will:

- Discuss the staff member's absence, making sure they've recovered and establishing whether there are any continuing underlying issues
- Talk about any support that the staff member needs
- Allow the staff member to raise concerns
- Update the staff member on any work matters
- Complete an online return-to-work form which will be generated by Every HR. A copy can be found in Appendix A.
- If relevant, review their sickness absence record for the past year and make them aware of their accumulative absence.
- In consultation with the Trust HR Manager, reasonable adjustments, including phased return may be explored at this point.
- Consider medical professionals or the occupational health service referrals at this point

Line Managers can request advice for Return to Work meetings from the Trust HR Manager.

## **8.2 Phased return to work**

A phased return may be recommended by medical professionals or the occupational health service when a staff member is returning to work from sickness absence.

Any agreements or phased return will be discussed and approved by Trust HR Manager and Headteacher.

We will consider recommendations by a medical practitioner on further extending the phased return to work.

Staff will continue to be paid their normal salary during the period of phased return to work.

Any arrangements will be reviewed after a period of 4 weeks after which the staff member may be paid for the actual hours worked. This will be then reviewed 4-weekly thereafter until full contracted hours resume.

## **9. Other instances of absence**

Our Trust recognises that it is not possible to cover all circumstances where it is reasonable to grant leave. If there is a specific or exceptional situation not covered by this policy, staff should place a general leave request within Every HR; this will require approval from their Line Manager and Headteacher. For exceptional general leave circumstances, the Headteacher will be supported in decision making by the Trust HR Manager to ensure parity across the Trust.

### **9.1 Disability-related absence**

Under the Equality Act 2010, where staff need time off work to attend medical appointments related to their disability or medical condition (e.g. treatment, rehabilitation and/or check-ups), the Trust will consider all requests to attend appointments and support paid time off where reasonably practical.

Staff who believe they have a disability or medical condition that affects their ability to do their work should inform their Line Manager, so that the Trust is able to consider appropriate reasonable adjustments and support.

### **9.2 Medical and dental appointments**

Where possible, staff should book routine medical and dental appointments outside of working hours. If this is not possible (e.g. for hospital or specialist appointments) staff should:

- Where possible, book appointments for early in the morning, lunch time or end of the day so it causes minimal disruption to the working day

- Request general leave via Every HR, where Line Manager and Headteacher may agree to time off. Staff may need to provide proof of the appointment.

### 9.3 Elective Surgery

If an Employee is undergoing elective surgery, they should discuss their need for time off and recovery with their Line Manager who should take advice from the Trust HR Manager who may:

- Authorise it as sickness absence if the surgery is medically necessary. The staff member is expected to provide evidence to support this. In this case, the staff member may be entitled to occupational sick pay and/or SSP.
- Grant or refuse the absence as general absence. If the absence is granted, it is normally unpaid unless:
  - Staff arrange the surgery and recovery time to occur outside term time
  - It is possible for staff to use annual leave for the period of absence (this would only be applicable to term-time only contracts)
  - View the time off as sickness absence where not doing so may be in breach of the Equality Act 2010, such as gender reassignment (see section 9.5).

### 9.4 Fertility Treatment and IVF

The Trust is committed to supporting colleagues, partners and colleagues in co-parenting relationships of those undergoing fertility treatment. The Trust's policy has been informed by best practice and the advice of [Fertility Matters at Work](#). The Trust is committed to learning and the ongoing development of the policy to ensure that it is inclusive and implemented in a way that supports all colleagues through their fertility treatment.

We understand this is an emotionally stressful time, and colleagues need support, especially if a cycle of treatment is not successful. We also know that sometimes colleagues may need time off work to go to appointments for fertility treatment (including accompanying their partners, surrogate, or co-parent).

Speaking to the Line Manager, or the Trust HR Business Manager, will enable the support to be put in place.

This can include

- Risk assessment to understand more about the treatment
- Reasonable adjustments to your work, including flexible working
- Time off to attend appointments (See section 9.2)

If more time off is needed because of sickness associated with the treatment, then staff should follow the normal processes for reporting sickness.

If IVF treatment is unsuccessful, a colleague is protected by law against pregnancy discrimination for 2 weeks after a positive pregnancy test. The Trust will support up to 2 weeks of compassionate paid leave (See Section 9.9.2 below).

Embryo Transfer - If you have been undergoing fertility treatment and have had the last part of the IVF process (embryo transfer) you have pregnancy rights. This means that you are protected against unfair dismissal and unfair treatment related to your possible pregnancy. You do not have to tell your manager at this stage but you may find it helpful so they can offer support.

### 9.5 Absence related to gender reassignment

Staff members who are due to undergo, or are in the process of undergoing, gender reassignment should discuss with their Line Manager, or another trusted colleague on their behalf, and the Trust will support their needs for time off.

The Trust commits to ongoing monitoring and support throughout, this includes reasonable adjustments and to investigate any extended or frequent periods of absence.



## 9.6 Maternity, Pregnancy and Paternity

The Trust follows all statutory requirements to support colleagues through their pregnancy. This is covered in detail in the Family Leave Information Pack within the [Blue](#) and [Burgandy](#) books and includes maternity, pregnancy, paternity, surrogacy and adoption.

Once a pregnancy has been shared with a Line Manager, a meeting will be convened to go through the Trust support process.

Staff members may need to take time off to attend medical appointments and/or due to pregnancy-related illness. We will not count pregnancy-related sickness absence when reviewing staff's attendance record.

The Trust commits to ongoing monitoring and support throughout pregnancy, this includes reasonable adjustments and to investigate any extended or frequent periods of absence to ensure that all reasonable adjustments are made.

In the unfortunate eventuality of a miscarriage or still birth (including those undergoing IVF treatment which has been unsuccessful) the Trust will ensure that up to 2 weeks of compassionate leave is granted.

## 9.7 Dependent Absence

The following section should be read in conjunction with the Trust Family Statement (Section 3).

A dependent is defined as the Employee's spouse, civil partner, child (or looked after child) or parent, and any person who lives at the same house as the Employee (other than as a lodger, tenant, boarder of the Employee) or who would reasonably rely on the Employee for assistance or arrangements for care in the event of illness or injury. This will include elderly parents for whom the employee could reasonably have a caring responsibility.

### 9.7.1 Dependent Absence Sickness

Circumstances, in which time off may be permitted include but are not limited to:

- providing assistance if a dependent falls ill, is injured or assaulted or is unexpectedly taken into hospital
- making arrangements for the care of a dependent who is ill or injured
- Dealing with an unexpected breakdown / disruption in the usual arrangements for the care of a dependent suddenly falling ill.

### 9.7.2 Dependent Appointments

Planned dependent absence could take the form of medical appointments or other events (eg. school events and parents' evenings, graduation).

Staff are able and encouraged to request absence which fall within the Family Statement, which will be reviewed with a commitment to support, notwithstanding a full evaluation on the impact on the day-to-day work of our schools. Line Managers, in discussion with the Trust HR Manager and Headteacher, will review requests. Where it is felt that a request cannot be granted, a full discussion pertaining to the request will be held, exploring reasons and offering a mutually agreeable alternative.

Up to three days paid dependent leave (planned and/or emergency) per year will be the standard practice. Additional unpaid leave can be requested, and this will be reviewed and approved by the Line Manager in conjunction with the Headteacher and Trust HR Manager.

Additional paid leave will be subject to individual discussion with the Line Manager and in conjunction with the Headteacher and Trust HR Manager and based on individual circumstances and nature of the request.

All requests for dependent absence must be submitted via the EveryHR Portal. In circumstances of emergency dependent leave, Employees should speak to their Line Manager in the first instance.

## 9.8 Menopause

We know that many people feel uncomfortable talking about the perimenopause and menopause – which means that some women suffer in silence while experiencing a wide range of symptoms that can affect their physical as well as mental health. This is not just a women's issue, but rather a workplace issue.

This is a new section of our Trust's absence policy and has been informed by Menopause Matters – [www.menopausematters.co.uk](http://www.menopausematters.co.uk) – an independent website providing information about symptoms and treatment options.

Colleagues should talk to their Line Manager and/or the Trust HR Manager, but if they find this too difficult, they are encouraged to approach any member of Trust staff to agree how to enact this policy.

There might be reasonable adjustments we can make at work to help you manage your menopausal symptoms. These are likely to be temporary changes while you go through menopause transition.

Your Line Manager or Trust HR Business Manager may do a risk assessment to understand more about how your menopausal symptoms might affect you at work and the adjustment you need.

The Trust is committed to taking all reasonable steps to make sure that we:

- Listen to you if you tell us about your perimenopause or menopause symptoms
- Keep information about your health confidential
- Support you if you are experiencing menopausal symptoms, making reasonable adjustments where needed
- Treating you with respect, not making judgements or assumptions about you based on your age or because you have told us that you are in menopause transition
- Treat any issues of bullying and harassment in relation to health issues associated with menopause seriously.

## 9.9 Bereavement

We understand bereavement is a very emotional time. The Trust's Absence Policy encourages staff experiencing bereavement to reach out to their Line Manager so they can discuss:

- Whether and when the staff member will take compassionate leave. We will be guided by the wishes of the staff member on this
- How the Trust can support the staff member during this difficult time

### 9.9.1 Compassionate leave

The Trust will treat with compassion all requests and will support individuals to ensure that their absence is carefully managed.

Staff can take up to:

- 2 days of paid compassionate leave for bereavement of immediate family
- 1 day of paid leave for attending a funeral

However, each request for further leave (paid and unpaid) for bereavement or for situations outside the immediate family will be dealt with in a discretionary manner by the Headteacher and Trust HR Manager.

All other requests for compassionate leave will be dealt with by the Headteacher, in conjunction with the Trust HR Manager (to ensure parity across the Trust), on an individual case-by-case basis.

### 9.9.2 Statutory parental bereavement leave and pay

Beyond compassionate leave, staff may be eligible for statutory parental bereavement leave and pay in cases where:

- A child (under the age of 18) dies
- A child is stillborn after 24 weeks of pregnancy
- There's an abortion after 24 weeks of pregnancy

Additionally, the Trust will offer 2 weeks of paid leave for miscarriage and or still birth up to 24 weeks of pregnancy, including unsuccessful IVF treatments.

Read the Government's [guidance on statutory parental bereavement and pay](#) to find out more.

## 9.10 Work-related injuries or illness

Employees should report work-related injuries or illnesses to the Headteacher who will raise the issue with the Trust Business Manager as soon as possible. The Trust Business Manager will ensure all relevant injuries and illnesses (as defined in the RIDDOR 2013 legislation) are reported to the Health and Safety Executive. Read more about this reporting duty in our [First Aid Policy](#).

## 9.11 Early Career Teachers (ECTs)

If any ECT encounters difficulties with meeting the Teachers' Standards because of absence support will be provided. The ECT Policy outlines the agreed approach to providing support (page 7).

This does not apply to ECTs taking statutory maternity, paternity, shared parental, adoption or parental bereavement leave as identified in other sections in this policy.

## 9.12 Jury service and magistrate duty

If an Employee is summoned for jury service, they should speak to their Line Manager and the Trust HR Manager as soon as possible, who will advise on the process of paid leave for jury service.

## 9.13 Trade Union duties

Staff who represent a trade union that is recognised by our Trust are entitled to paid time off to complete training and union duties, such as:

- Negotiating pay, terms and conditions
- Helping union members with disciplinary or grievance procedures, including meetings to hear their cases.

# 10. Procedure for managing short-term sickness absence

The Trust has an Executive Team Business Manager with responsibility for HR (Trust HR Manager). In order to support Headteachers and employees, the Trust HR Manager will need to be advised of all informal review meetings being held and would work in conjunction with Headteachers for all cases escalating to formal review.

The informal review process is triggered if, during a 12-month rolling period, the trigger points (see Appendix B) within Every HR are met.

Before initiating the process, the Line Manager should be satisfied that they have explored any reasonable adjustments to help the staff member improve attendance. This may be discussed informally with the Trust HR Manager.

The Trust may move directly to address absence under the formal stage of the procedure, without first exhausting the informal stages where the circumstances warrant. This includes instances where concerns about the employee's short-term absence have previously been addressed formally.

## 10.1 Informal review (held with Headteacher and Line Manager)

The Trust will aim to give the staff member 5 days' written notice of the date, time and place of an informal review meeting.

At the meeting, the Headteacher, Line Manager and staff member will discuss:

- The staff member's pattern of absence to understand the reasons for it
- Any medical treatment, and whether medical advice is needed from the occupational health service
- Whether the illness is work-related and if any temporary changes to the staff member's work could help them improve attendance
- Whether the staff member has any underlying health problems (including a disability), how this will likely affect their attendance in the future, and whether any reasonable adjustments can be made
- How the staff member's absence is affecting pupils, colleagues and the school

- Any other ways the Trust can support the staff member

After the meeting, the Line Manager will summarise the main points in writing, which will be shared with the staff member.

If a staff member's absence levels continue to be of concern after the informal review meeting, the Headteacher will invite them to the first formal review meeting (see section 10.2). This will usually take place 8 working weeks after the informal review meeting, depending on circumstances.

## 10.2 Formal review (held with Headteacher and Trust HR Manager)

There are 3 formal review meetings: the first formal review meeting, the second formal review meeting, and the final attendance review meeting. If the staff member's absence levels do not improve to an acceptable level after the final attendance review meeting, the Trust Business Manager will convene an ill-health capability hearing, with a panel, to fully review the case (see section 12).

Each formal review meeting will usually take place 8 working weeks after the previous one, depending on circumstances. The Trust HR Manager will inform the staff member of each meeting, in writing, 5 working days in advance. The staff member has a right to be accompanied to any formal meeting under this procedure by a trade union representative or colleague (see more in section 13).

Where the staff member's attendance improves to an acceptable level during the formal reviews process, the Headteacher will hold a review meeting to confirm this. They will also agree on any further monitoring meetings, which the Trust HR Manager will confirm to the staff member in writing.

Where the staff member's attendance improves to an acceptable level and for a sustained period of 2 months, formal monitoring will cease. However, if the staff member's absence levels increase again within 1 year, the formal reviews procedure will be triggered again and picked up from where it last finished. The review procedure will not start from the beginning again. The Trust HR Manager will notify the staff member in writing of the point that the formal review is being picked up from.

## 10.3 During formal review meeting(s)

At the meeting, the staff member and Headteacher and Trust HR Manager (or the Trust Business Manager, if this is a final attendance review meeting) will discuss:

- The staff member's absence levels, the reasons for it, and whether further absences are likely going forward
- Any medical advice received
- Any work-related issues that may be affecting the staff member's attendance and whether any temporary changes to the job could help improve their attendance
- If the staff member has underlying health problems, any reasonable adjustments that could be made
- How the staff member's absence is affecting pupils, colleagues and the school
- Any other ways our Trust can support the staff member. This may involve an action plan that includes obtaining further medical advice, or outlining what adjustments or adaptations will be made for the staff member.

## 10.4 Possible outcomes

At the end of each formal review meeting, the Headteacher, Trust HR Manager (or Trust Business Manager if this is a final attendance review meeting) may decide to:

- Agree the issue has been resolved and take no further action
- Continue to monitor and review the staff member's attendance

**For the first formal review meeting only:** issue a formal attendance notification, which will normally remain on record for 6 to 12 months depending on the circumstances (such as the nature and prognosis of the illness and impact of the treatment). The notification will:

- Explain the Trust's expectations on attendance going forward and what the review period for this will be

- Highlight the staff member of the potential consequences of not meeting the required standards, including another formal attendance notification and the risk of dismissal.

**For the second formal review meeting only:** issue a final attendance notification, which will reiterate the Trust's expectations on attendance going forward, the review period for this, and highlight to the staff member of the potential consequences of not meeting the required standards, including the risk of dismissal

**For the third, final attendance review meeting only:** recommend dismissal and arrange a formal hearing for a panel to examine the case. See section 12).

After each review meeting, the Trust HR Manager will summarise the outcome in writing, including the staff member's right to appeal within 10 working days if the Headteacher has issued a formal attendance notification or final attendance notification.

## 11. Procedure for managing long-term sickness absence

We define long-term sickness absence as absence lasting for 4 weeks or more.

Before initiating the process, the Line Manager, with advice from the Trust HR Manager, should be satisfied that they have explored any reasonable adjustments to help the staff member improve attendance. After 4 weeks the Line Manager is to consider instigating informal review procedures. At this point, we will refer the staff member to the occupational health service so that we can obtain medical advice.

### 11.1 Informal review (held with Headteacher and Line Manager)

We will aim to give the staff member 5 days' written notice of the date, time and place of an informal review meeting.

At the meeting, the Headteacher, Line Manager and staff member will discuss:

- The medical opinion, prognosis and expected timescale for the staff member to return to work
- What support the staff member needs to enable them to successfully return to work
- Whether the staff member has a disability under the Equality Act 2010 and whether any reasonable adjustments can be made
- What impact the staff member's absence has on the school's operations and how it is affecting pupils, colleagues and the school.

### 11.2 Possible outcomes of informal review

Will be:

- A return-to-work plan
- Whether to seek further medical advice

Where the staff member recovers and returns to work, the Headteacher will decide, in consultation with the staff member, whether to hold further review meetings.

If a staff member's absence continues, the Trust HR Manager will invite the staff member to the first formal review meeting, 3 months after the informal review meeting. See section 11.3.

After each review meeting, the Trust HR Manager will summarise the outcome in writing, including the staff member's right to appeal within 10 working days if the Headteacher has issued a formal attendance notification or final attendance notification.

### 11.3 Formal review (Headteacher and Trust HR Manager)

There are 3 formal review meetings: the first formal review meeting, the second formal review meeting, and the final formal review meeting. If the staff member's absence levels do not improve to an acceptable

level after the final formal review meeting, the Trust Business Manager will convene an ill-health capability hearing, with a panel, to fully review the case (see section 12).

Each formal review meeting will usually take place within 8 working weeks after the previous one, depending on circumstances. The Trust HR Manager will inform the staff member of each meeting, in writing, 5 working days in advance. The staff member has a right to be accompanied to any formal meeting under this procedure by a trade union representative or colleague (see more in section 13).

Where the staff member recovers and returns to work during the formal reviews process, the Headteacher, the Trust HR Manager and staff member, will agree whether to hold further review meetings.

#### **11.4 During formal review meeting(s)**

We will follow the same process for formal review meetings as for the informal review meeting in section 10.3.

#### **11.5 Possible outcomes of formal review**

At the end of each formal review meeting, the Trust HR Manager, in consultation with the occupational health service (if relevant) may decide to:

- Agree the issue has been resolved and take no further action
- Agree a return-to-work plan with the staff member
- Extend the period of monitoring and review
- Begin a phased return to work
- Seek further medical advice

**For the first and/or second formal review meetings only:** issue a formal attendance notification. This will highlight to the staff member that they may be dismissed on the grounds of ill health if it's unlikely they can return to work over a reasonable timescale.

**For the final formal review meeting only:**

- Explore if the staff member is eligible for ill-health retirement
- Consider whether the staff member can do other suitable work in school or within the Trust
- Issue a final attendance notification on the grounds of ill health if the staff member cannot return to work at this point or within a reasonable timescale
- If medical professionals advise that the staff member is unlikely to return to work in a reasonable timeframe, the Trust Business Manager will convene a formal review hearing, where the facts of the case will be examined (see section 12).

After each formal review meeting, the Trust HR Manager will summarise the outcome in writing, including the staff member's right to appeal, within 10 working days if the Trust has issued a formal attendance notification or final attendance notification.

## **12. Ill-health capability review hearing (for short and long-term absences)**

The Trust Business Manager will convene a panel to fully review the case if all other options have been explored and:

- A staff member's short-term absences have not improved sufficiently
- The long-term absence of a staff member continues due to the nature of the illness

The Trust HR Manager will inform the staff member of the meeting, in writing, 5 working days in advance, including that:

- The staff member has the right to be accompanied by a colleague or trade union representative

- If the staff member is not well enough to attend, they can send a representative instead and/or submit a written statement
- The Trust Business Manager will present a recommendation to the panel
- A possible outcome of the meeting could be dismissal

## 12.1 Convening the panel

The panel will usually consist of 3 Trustees, with one being nominated as the Chair of the panel. The Trust HR Manager may also invite an HR advisor to the meeting and the Governance Professional will be required to clerk the meeting.

During the meeting, the Trust Business Manager and panel will review:

- The record and pattern of absence, and how likely it is to improve
- What support the staff member has received and whether all appropriate options have been properly explored
- Whether the staff member has an underlying illness, disability, or any other issues raised by the occupational health service
- The impact of the absence on colleagues, pupils and the school
- The staff member's attitude towards recognising and addressing the impact of their absence
- The needs of the school and best interests of the staff member

The staff member (or their representative, if they are not well enough to attend) will also have the opportunity to present evidence and explain their level of absence and what actions they are taking to reduce it to an acceptable level.

## 12.2 Deciding on appropriate action

The meeting will be adjourned and the panel will reflect on it before coming to a decision.

The panel may decide to:

- Keep the staff member's absence under review for a defined period of time
- Agree a return-to-work plan
- Dismiss the staff member
  - The Board of Trustees will dismiss the staff member with notice
- Decide whether the employee can retire on the grounds of ill health (where appropriate)

The Governance Professional will communicate the decision to the staff member in writing within 10 working days. The decision will also inform the staff member that they can appeal if they are not satisfied with the outcome and explain how to do this.

## 13. Right to be accompanied to formal meetings

The staff member has a right to be accompanied to any formal meeting under this procedure by a trade union representative or colleague. Their details must be provided to the Trust HR Manager conducting the meeting in good time before any meeting.

We may at our discretion permit other companions (for example, a family member) where this will help overcome particular difficulties caused by a disability, or difficulty understanding English.

A companion may make representations, ask questions, and sum up the member of staff's position, but will not be allowed to answer questions on their behalf. The member of staff may confer privately with their companion at any time during a meeting.

## 14. Appeals

If the staff member is not satisfied with the outcome of a review, they have the right to appeal the decision of the Line Manager, Headteacher, Trust HR Manager or panel.

The staff member should set out their grounds of appeal in writing within 10 working days and submit this to Governance Professional.

An appeal is not designed to re-hear the matter but to examine the grounds of appeal. The staff member should therefore be specific about the grounds of the appeal.

However, a full re-hearing may be appropriate in exceptional circumstances.

The Governance Professional will appoint an appeal panel consisting of 3 people. This will be a group of people independent from any previous stage of the procedure, and the panel will be chaired by an independent individual.

Appeals will be heard without unreasonable delay and in any event within 20 working days of the date of the appeal notice. The Governance Professional will tell the staff member the time and place of the appeal meeting in advance.

Staff have the same statutory right to be accompanied to the appeal meeting by a colleague or trade union representative.

The outcome of the appeal will be confirmed in writing by the Governance Professional of the appeal panel to the staff member within 10 working days of the appeal. The decision of the appeal panel is final.

## 14. Monitoring arrangements

This policy will be reviewed every 2 years by the Trust HR Manager. At each review, this policy will be approved by the Trust Board.

## 15. Links to other policies

This policy links to the following policies:

- [Data Protection Policy](#)
- [First Aid Policy](#)
- [Privacy notice for staff members](#)
- [Staff code of conduct](#)
- [Fairness at Work Policy](#)
- [ECT Policy](#)



## Appendix A: Return-to-work interview form

A return-to-work form is automatically created within the absence instance in Every HR. The absence duration details will be automatically pre-filled from information supplied by the employee and recorded by the Finance & HR team. Line Managers have access to absence data for all employees who directly report to them. The return-to-work form will be completed by the Line Manager online and will be saved to the employee's records. An example of a blank return-to-work form can be found below.

### Return to Work Form

Interview Date:

Employee	
Job Role	
Absence Start Date	
Absence End Date	

<b>Meeting notes</b>

Was the employee's absence work-related?	Yes/No
Does the employee require support to prevent further absences?	Yes/No
Was the school's sickness reporting procedure followed?	Yes/No
Was the absence a result of an accident at work?	Yes/No

<b>Are you taking any medication that work needs to be aware of ?</b>

**Support Offered**

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**Further Action Taken**

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## Appendix B: Employee Absence Alerts

Criteria for notification of absence data to be followed up by Line Managers with employees. This may include an informal meeting to discuss areas of support that can be provided.

- Bradford Factor figure of 216 or more
- Duration - 4 weeks consecutive absence within a rolling 12-month period
- Duration - 5 days consecutive absence within a rolling 1-month period
- Frequency - 3 absences within a rolling 3-month period
- Frequency - 6 absences within a rolling 12-month period

## Appendix C: Return-to-work action plan

Return to Work Review
<p><b>Is the employee fit to return to work?</b></p>
<p><b>If the absence is longer than seven calendar days, has a doctor's certificate of fitness to work or hospital certificate been supplied to cover the period?</b></p>
<p><b>Was sickness caused or exacerbated by workplace factors?</b> (What actions can be taken to remove or minimise these?)</p>

**Was absence caused by stress?**

(Consider a referral for counselling)

**Is a referral to Occupational Health advisable?**

**Does the employee need any support or adjustments to return to work?**

**Is informal management action necessary?**

(Where levels/patterns of absence are of concern)

**Support offered:**

**Review Date**

**Meeting Notes**

**Agreed Actions**

<b>Term</b> <b>Week</b> <b>Date</b>		
<b>Term</b> <b>Week</b> <b>Date</b>		
<b>Term</b> <b>Week</b> <b>Date</b>		

<b>Term</b> <b>Week</b> <b>Date</b>		
<b>Term</b> <b>Week</b> <b>Date</b>		

<b>Term</b> <b>Week</b> <b>Date</b>		