

Management of Sickness Absence Procedure



**Bath & Wells Multi Academy Trust
Management of Sickness Absence Procedure**

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Management of Sickness Absence Procedure

1 Purpose

- 1.1. The purpose of this procedure is to ensure that the sickness absence of the employees of the Bath & Wells Diocesan Academies Trust, operating as Bath & Wells Multi Academy Trust (hereafter referred to as the MAT), is managed effectively to reduce its impact on service delivery, whilst providing employees with appropriate support to improve attendance where necessary.
- 1.2. This procedure (V5) is effective from 04 February 2016 as approved by the MAT.

2. Applicability

- 2.1. This procedure applies to all employees of the MAT, however concerns of absence of staff within their probationary period will usually be dealt with under the Probation Procedure. It does not apply to agency workers, contractors or volunteers.
- 2.2. The management of sickness absence procedure applies to absence due to personal sickness or injury. It does not apply to out-patient appointments or to absences connected to the illness of relatives.
- 2.3. Formal action under this procedure in respect of a pregnant employee, an employee whose absence is directly attributable to an accident at work, or an employee who is known to have a condition defined as a disability under the Equality Act should not be taken without first seeking advice from Human Resources (HR).

3. Roles and responsibilities

- 3.1. Headteachers have primary responsibility for the health and well-being of staff and the day-to-day management of attendance in each school. The Headteacher may choose to delegate some of the following responsibilities where this is appropriate. Headteachers/Managers are responsible for:
 - 3.1.1. Ensuring staff are aware of this policy
 - 3.1.2. Ensuring that sickness absence is managed appropriately in accordance with the implementation of this procedure.
 - 3.1.3. Encouraging and supporting employees to maintain good attendance levels through good management practice and use of other appropriate services to assist improvement where necessary.
 - 3.1.4. Day-to-day management of attendance and handling absence problems promptly and sensitively.
 - 3.1.5. Intervening at an early stage to actively support a member of staff showing signs of ill health, to prevent deterioration in their health and a long-term absence.

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- 3.1.6. Conducting return to work discussions.
 - 3.1.7. Ensuring that sickness absence is recorded accurately and sent to the MAT's payroll provider.
 - 3.1.8 Making reasonable adjustments to an individual's job or workplace to help them to return to or remain at work, particularly in accordance with any identified disability.
 - 3.1.9 Writing referrals for Occupational Health or the Fit for Work Scheme as appropriate and sending to HR.
 - 3.1.10 Taking action to implement reasonable actions suggested by Occupational Health or Fit for Work
 - 3.1.11 Ensuring this procedure is implemented, gaining advice from HR if necessary.
- 3.2. Employees are responsible for;
- 3.2.1. Familiarising themselves with and ensuring that they comply with this procedure.
 - 3.2.2. Reporting absence in a timely manner, where possible directly to their Line Manager.
 - 3.2.3. Alerting their Manager/Headteacher to any work related issues that may be contributing to their ill-health and/or absence.
 - 3.2.4 Informing their Manager/Headteacher of any medical conditions which might put themselves, pupils, other members of staff at risk.
 - 3.2.5 Reporting any work-related accident or injury immediately to their Manager/Headteacher and making an entry in the accident reporting book.
 - 3.2.6 Gaining agreement from their Line Manager before undertaking any form of secondary employment whilst off sick.
 - 3.2.7 Attending Occupational Health appointments and/or appointments with the fit for work scheme as requested.
- 3.3 Where concerns arise, the management of the school should seek advice from HR at an early stage.
- 3.4 The role of the MAT's Occupational Health Provider is to provide independent occupational medical advice on employee health-related matters. The purpose of the advice is to help management take informed decisions on health matters and to support employees who may be experiencing health issues. The types of situation when a staff referral will be made to the Occupational Health Provider may include (although not limited to) advice sought on:
- The health of an individual on long term sickness absence and actions to support their return to work;

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- The health of an individual where their level of sickness absence is affecting their performance at work;
- Supporting an individual with any health concerns;
- Supporting an individual with a disability and making adjustments to their job/environment;
- Medical redeployment and ill health retirement.

3.5 The role of Human Resources is to support management by:

- advising on the Management of Sickness Absence Procedure and best practice relating to health absence management;
- Advising management on making Occupational Health referrals and coordinating referrals to the MAT's Occupational Health Provider;
- Assisting with the provision of staff sickness absence data;
- Advising hearings on procedural matters
- Advising management on individual cases and giving advice on measures/tools for managing absence
- Monitoring the implementation of this policy and advising managers on implementation to encourage fair management of sickness absence across the MAT.

4. Principles

- 4.1. The MAT is committed to supporting the health, safety and welfare of its employees. The MAT recognises the benefits of a healthy workforce and values the contribution that its employees make by regular attendance in ensuring effective service delivery.
- 4.2. The MAT will ensure that sickness absence is effectively monitored by managers and that action is taken to tackle absence problems.
- 4.3 The MAT will make use the Governments Fit for Work scheme and will implement suggested actions/advice where appropriate and reasonable.
- 4.4 The MAT will ensure that every employee is treated fairly and with respect, and that confidentiality is maintained. Where necessary, reasonable adjustments will be made to enable employees with disabilities to maintain good attendance levels and to comply with the requirements of the Equality Act. This may include setting more generous targets under the procedure.
- 4.5 Where there are concerns about an employee's attendance the employee will be advised of these, and will be given the opportunity to state his/her case and present relevant information before any decision is made.
- 4.6 Employees will normally be given at least 5 working day's notice of all formal meetings under this procedure. The trigger points within this procedure are a guide for when formal action should be considered, however Line Managers should take account of an individual's circumstances, whether the injury was incurred at work and previous sickness absence history when considering whether to convene a formal meeting.

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- 4.7 The employee will have the right to be accompanied by a trade union representative or work colleague at all meetings/hearings under this procedure where support is needed.
- 4.8 Employees with a disability or ongoing medical condition may need to attend additional appointments and may be entitled to additional time off for appointments. Please refer to the MAT's Leave of Absence Policy for further details.
- 4.9 If there are any language or disability issues affecting the employee or his/her representative, these will be reasonably addressed so that any formal proceedings can take place fairly.
- 4.10 Information relating to formal proceedings and medical conditions will be kept confidential as appropriate.
- 4.11 The timescales within this procedure may be changed in exceptional circumstances.
- 4.12 Unauthorised absence, failure to observe the requirements of sickness absence reporting or misuse of the MAT's sick pay scheme will be regarded as possible misconduct and may lead to disciplinary action.
- 4.13 Cosmetic Treatments and procedures for non medical reasons should be scheduled during periods of annual leave or school closure periods. Where this is not possible contractual sick pay will not be applied other than in exceptional circumstances which must be pre agreed with the Headteacher.

5. Reporting absence

- 5.1. Local arrangements for reporting sickness absence may vary according to each school/department and the need to provide cover for the work carried out by the employee. Where these exist management should make their staff aware of them.
- 5.2. An employee who is unable to report for duty must notify either his/her Line Manager or a nominated person as soon as possible and usually no later than the time that he/she would normally start work. If the Line Manager/nominated person is unavailable the employee may leave a message.
- 5.3. The employee should normally inform the Line Manager of the absence themselves, giving the reason for the absence and the estimated duration. Where possible, and the employee is able, they should provide brief details of any outstanding/urgent work that needs to be dealt with. If the employee is unable to report his/her sickness absence themselves, he/she should where possible ensure that someone else notifies the line manager on his/her behalf.
- 5.4. Where sickness absence continues, the employee should contact their Line Manager/nominated person on an agreed basis. Where the frequency of contact is not agreed in advance the employee should make contact each day.
- 5.5. Where the employee fails, without prior agreement to contact their manager as stated in this procedure, or in accordance with local arrangements, the manager may contact the employee.

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- 5.6 If no contact has been made within half a working day and the Line Manager has been unable to contact the employee directly, in the interest of the employees safety and welfare the manager may contact the employee's next of kin.
- 5.7. On return to work after each period of sickness absence the employee should complete a self certificate form (see appendix one), the Line Manager should meet with the employee to complete and sign the relevant section of the self-certification form. For absences of more than one week, a full return to work discussion should also be held in order to support the individual back to work and enable any preventative action to be taken before health issues arise. Key points of the discussion should be recorded and kept on the employee's personal file and the employee can have a copy. Please see appendix 2 – Record of return to work discussion. Management may also have informal meetings to discuss with the employee their absence levels where they are of minor concern. The self-certification form should be retained by the school/department office on the employee's personal file and a record of all absence sent to the MAT's payroll provider on a monthly basis.
- 5.8 A self certification should be completed for all periods of absence (even for periods that are covered by a GP's 'statement of fitness to work'). As part of the process of completing the self certification, managers should discuss with employees their period of absence and ensure they are fit to return to work, a section within the self certification will ask for any actions required.
- 5.9 For periods of absence that exceed 7 calendar days a full return to work discussion should take place. A full record of the discussion should be taken and kept on the employee's personal file. Please see Appendix 2 'Record of Return to Work Discussion'.
- 5.10. The employee does not need to have a statement from the doctor that they are fit for work. Although, when an employee returns to work the manager should consider their duty of care to the employee and where there are concerns, particularly of a safety nature then the manager will advise the employee to obtain a private statement from the GP to confirm they are fit for work, in which case any costs should be met by the organisation. Where an employee has been signed fit for work and the Manager remains to have serious concerns about the employee's fitness to work, the manager should seek advice from Human Resources where medical suspension is being considered.
- 5.11 Where a GP, Fit for Work or Occupational Health indicates that an employee 'may be fit for work' with possible recommendations/adjustments, the manager should assess whether it is possible to meet these recommendations in order to assist the employee with returning to work. If it is not possible to accommodate the recommendations then the employee would need to remain off sick. A record of the reasons for this decision should be retained and shared with the employee.
- 5.12 If an employee becomes unwell during a work day and needs to leave before his/her normal finish time they should notify their Line Manager. The employee should be recorded as being absent from the time that they leave work by the completion of a self-certificate.

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- 5.13 Human Resources and the relevant trade union regional (County Representative) officer must be notified before any formal disciplinary action is taken in respect of a Trade Union Representative. Human Resources should be informed when any formal disciplinary action is being considered.

6. Maintaining Contact

- 6.1 Great sensitivity is required in dealing with an employee who has had or is likely to have considerable certificated sickness absence as a result of a serious illness. When an employee is absent from work for a long period due to sickness, it is important that contact is maintained between the employer and employee.
- 6.2 The Head Teacher/Line Manager or a nominated individual will keep in touch with the employee from the earliest opportunity. It is important that Head Teacher/Line Managers keep a record of the contacts made, including home visits.
- 6.3 The MAT recognises that, in some circumstances, an employee may find it helpful to take advice and gain support from their trade union representative. It may also be appropriate for communications to be maintained via the employee's trade union representative.
- 6.4 During the early stages of sickness absence, regular contact will normally be made through telephone or e-mail. When the period of continuous absence extends to four weeks and beyond, regular contact will progress to a home visit or a meeting at another mutually agreeable location.
- 6.5 This regular contact aims to ensure the employee feels supported and remains in touch with work. It also enables the Head Teacher / Manager to determine the employee's welfare, identify whether there is a likelihood of a return to work and establish whether work needs to be reallocated to ensure service delivery is maintained.

7. Informal Monitoring/Action

- 7.1 An employee will be placed on informal sickness monitoring if their level of sickness absence starts to become a cause for concern.
- 7.2 An employees Line Manager can put the employee on informal monitoring by meeting with them on an informal basis and discussing their absences. HR can be involved if appropriate. As guidance, informal monitoring should involve the Line Manager setting the employee a target of 6-10 weeks where the employee will be expected not have any absence in that time, however targets may vary depending on individual circumstances. Informal action may be taken following discussion with the employee to help facilitate the employee to maintain good attendance.

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8. First Stage - Formal Absence Meeting

- 8.1. The formal procedure set out in this policy follows the disciplinary procedure as set out in the ACAS code of practice. Formal action will normally be taken when an employee's absence becomes a cause for concern. As a guide a first stage formal absence review meeting may be triggered by one or more of the following:
- Three or more sickness absence episodes in a rolling three month period
 - Six or more sickness absence episodes in a rolling twelve month period
 - Twelve or more working days lost to sickness absence in a rolling twelve month period
 - Unacceptable patterns of absence
 - A period of long term sickness of more than 28 calendar days where the return to work date has not been specified or is of concern to the Line Manager.
- 8.2. The purpose of the meeting will be to:
- Examine the reasons, pattern and nature of the absences,
 - Examine whether there is an underlying cause or condition and the prognosis of this if known,
 - Decide whether further information needs to be sought either from the employee's doctors, fit for work or a referral to the MAT's occupational health provider,
 - Give the employee the opportunity to discuss any problems or raise any concerns
 - Consider any medical advice that may have already been received
 - Consider reasonable adjustments or support measures where they would assist the employee in reducing his/her sickness absence and/or making a successful return to work,
 - Set a target for improvement and a period over which absence levels will be monitored. As guidance a target for improvement would be for an employee to maintain 10 - 12 weeks with a maximum of one period of absence, however targets for improvement will vary depending on individual circumstances.
 - Give the employee a written warning that if their attendance does not improve to the required level or they are unable to return to work (in the case of long-term absence) within the specified time period that this may lead to their dismissal.
- 8.3. The employee will be given at least 5 working days' written notice of the meeting (unless the employee agrees in writing to less). The employee has the right to be accompanied at the meeting by either a trade union representative or a work colleague.
- 8.4. If a formal meeting has not been held when the trigger point is first reached, it will not preclude the manager convening such a meeting at a later date if he/she has concerns about the continued level of sickness absence.
- 8.5. The employee will be expected to improve his/her level of attendance so a target to monitor absence should be given. The manager when setting targets for improvement will need to take into account the individual circumstances of any case, medical advice received and the impact of any disability. This level of attendance should be confirmed to the employee in writing and a written warning will usually be issued to the employee at this stage that failure to reach this standard within the

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specified timescale could lead to dismissal. A date will be set for a second stage formal absence review meeting to review the target that has been set.

- 8.6 Where, on review and discussion during the first stage meeting it is felt the employees absence is only of minor concern or where adjustments are felt appropriate due to exceptional circumstances. The employee may be issued with a target for improvement to be reviewed at a further first stage formal absence review meeting with no warning given.
- 8.7. In the case of long-term absence where the medical advice indicates that the employee will be unable to return to their role, redeployment should be considered. (See section 11).
- 8.8 Where medical advice indicates that the employee will not be able to return to his/her role or a suitable alternative role and where there are no reasonable adjustments that can be made, the employee may request in writing that second and third stage formal reviews be omitted and that action move directly to a dismissal hearing.
- 8.9 The outcome of the meeting must be confirmed in writing to the employee within 5 working days.
- 8.10 The employee has the right to appeal against the decision taken at the first stage of the procedure to issue a formal warning and the formal monitoring of absence.

9. Second Stage - Formal Absence Review Meeting

- 9.1. At least one formal meeting will normally be held at the second stage to review the situation, except in circumstances specified in point 7.7 above. The employee should be given at least 5 working days' written notice of the meeting. The employee has the right to be accompanied at the meeting by a trade union representative or a work colleague.
- 9.2. Where the target set is exceeded before the date of the review meeting then the manager may write to the employee giving 5 working days' notice that the review meeting will be brought forward.
- 9.3 The purpose of the review meeting is to:
 - Review the employee's attendance during the relevant period and whether the employee has met the targets set
 - Review the steps that have been taken to support him/her in achieving the required level of attendance or returning to work
 - Give the employee the opportunity to discuss any problems or raise any concerns
 - Discuss any medical advice that has been received
 - Decide whether any further medical information is required
 - Decide on what further action is required
 - Remind the employee that failure to improve attendance in the specified period may lead to dismissal
 - Set further targets if prior targets were not met

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- 9.4 Where the employee has made the required improvement in their attendance within the specified period, formal monitoring under the management of sickness absence procedure will be suspended. If a further trigger point is met within a year of formal action being suspended then previous action and live warnings may be taken into consideration where relevant.
- 9.5 Where the employee has made some improvement in their attendance but concerns remain a further monitoring period may be set to be reviewed at a further second stage review meeting.
- 9.6 Where the employees level of short term absence remains unacceptable a final written warning will usually be issued to the employee at this stage that failure to reach acceptable levels of sickness absence could lead to dismissal. The manager will use discretion to determine whether:
- The employee's absence level are high but could improve with a further target and therefore a further improvement target is set. The manager when setting targets for improvement will need to take into account the individual circumstances of any case, medical advice received and the impact of any disability. This level of attendance should be confirmed to the employee in writing and a date arranged for a third stage formal review meeting.
 - The employee's absence levels are unacceptably high and needs to progress to a dismissal hearing.
- 9.7 Where the employee's short term absence levels remain unacceptable and the steps taken at the first stage have not secured the required improvement, the manager should consider whether redeployment might enable the employee to reach an acceptable level of attendance.
- 9.8 In cases of long term absence where the employee and/or medical evidence is suggesting they are able to return to work in reasonable amount of time, a further target for the employee to return to work should be set, where targets are being set the manager should take individual circumstances into account. A final written warning may be issued that failure to return to work in a reasonable timeframe could lead to dismissal. A date should be set for review under a final stage review.
- 9.9 In cases of long term absence where the employee is not expected to be fit to return to work within a reasonable timescale, and steps taken at the first stage have not been successful in securing a successful return to work the manager should consider whether redeployment could enable the employee to make a successful return to work. The manager should discuss this with the employee. Where redeployment will not enable the employee to successfully return to work, or if the employee is not willing to consider redeployment, the manager should consider moving to a dismissal hearing.
- 9.10 The outcome of any meetings held under stage two must be confirmed in writing within 5 working days.

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10 Third Stage - Formal Absence Review Meeting

- 10.1. A third stage formal absence review meeting will be held at the end of the second monitoring period, where this has been set. Where the target set is exceeded before the date of the review meeting then the manager may write to the employee giving 5 working days' notice that the review meeting will be brought forward.
- 10.2 The purpose of the review meeting is to:
- Review the employee's attendance during the relevant period and whether the employee has met the targets set
 - Review the steps that have been taken to support him/her in achieving the required level of attendance or returning to work
 - Give the employee the opportunity to discuss any problems or raise any concerns
 - Discuss any medical advice that has been received
 - Decide whether any further medical information is required
 - Decide on what further action is required
 - Remind the employee that failure to improve attendance in the specified period may lead to dismissal
 - Set further targets if prior targets were not met
- 10.3 Where the employee has made the required improvement in their attendance within the specified period, formal monitoring under the management of sickness absence procedure will be suspended. If a further trigger point is met within a year of formal action being suspended then previous action may be taken into consideration where relevant.
- 10.4 Where the employee has made some improvement in their attendance but concerns remain a further monitoring period may be set to be reviewed at a further final stage formal absence review meeting.
- 10.5 Where the employees levels of short term absence remains unacceptable and targets have not been met. The manager should consider moving to a dismissal hearing.
- 10.6 Where the employees short term absence levels remain unacceptable and the steps taken at the first and second formal stages have not secured the required improvement, the manager should consider whether redeployment might enable the employee to reach an acceptable level of attendance if this has not already been considered.
- 10.7 In cases of long term absence where the employee is not expected to be fit to return to work within a reasonable timescale, and steps taken at the first and second stages have not been successful in securing a successful return to work the manager should consider whether redeployment could enable the employee to make a successful return to work if this has not already been considered. The manager should discuss this with the employee. Where redeployment is not possible or will not enable the employee to successfully return to work, or if the employee is not willing to consider redeployment, the manager should consider moving to a dismissal hearing.
- 10.8 In cases of long term absence where steps taken at the first and second stages have been unsuccessful but the employee and/or medical evidence is suggesting they are able to return to work in the near future, the manager will need to determine whether

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to move to a dismissal hearing or whether to set a further target for the employee to return to work for review at a further final stage formal absence review meeting.

- 10.9 The outcome of any meetings held under stage two must be confirmed in writing within 5 working days.

11 Phased returns to work

- 11.1 A phased return to work may be used as a way of supporting employees to return to work following a long-term period of absence and may form part of a reasonable adjustment for an employee with a disability.
- 11.2 A phased return to work must be agreed between management and the employee. It will need to take account of what is possible for the school/department to accommodate based on how it might impact on organisational needs. A phased return to work needs to take account of the individual employee's circumstances and what would be appropriate support for the individual in returning. Further advice on the type of phased return required may be sought in advance from the MAT's Occupational Health provider.
- 11.3 The normal maximum duration which might be offered for a full paid phased return to work is a total of six weeks. The exact length and nature of the phased return will be determined on a case by case basis taking into account the length and nature of the absence.
- 11.4 The MAT will normally only be able to support one fully paid phased return to work per individual employee in any one academic year. Any exceptions to this should be discussed with Human Resources. Where a longer return to work period is needed this will normally be through sick pay or by a temporary adjustment to hours.
- 11.5 Employees will receive pay for their normal contracted hours during the phased return period, any days or hours not worked will not be counted as sickness absence.
- 11.6 If the employee is unable to return to their normal contracted hours by the end of the agreed phased return period then a review of the situation will be required which might determine:
- The employee is not ready to return to work and therefore will be absent again from work due to sickness
 - The employee is able to be at work but is unable to fulfil their normal contracted hours, a temporary variation to reduce hours might be agreed between the school/department and the employee and any pay will therefore be on a pro-rata basis.

12. Consideration for redeployment

- 12.1. Redeployment should only be considered where it could either help the employee to reach and maintain a satisfactory level of attendance or make a successful return to work from long term absence. Where this is not the case or there is no alternative then the Manager will convene a dismissal hearing.

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- 12.2. The Manager should discuss with the employee the possibility of redeployment taking into consideration the impact of the employee's health on their abilities and the future prognosis.
- 12.3 There is no requirement to create a role for the employee, however the employee should be considered for suitable vacancies across the MAT.
- 12.4. Where the employee has a condition that falls under the definition of disability under the Equality Act then steps should be taken to make reasonable adjustments to enable the employee to undertake the vacant role.
- 12.5. Redeployment will be sought for a specified period, normally no longer than eight weeks. If redeployment is not found within the specified time a dismissal hearing will normally be arranged.

13. Ill Health Retirement

- 13.1 If the employee is a member of the Pension Scheme they may be eligible for early payment of pension benefits under ill health retirement. The decision regarding whether a member of the pension scheme is eligible for benefits, can only be made by the Pension Scheme and is entirely separate to the MAT's decision to terminate employment.
- 13.2 Pension benefits cannot be granted until the employee has left employment (whether they leave through dismissal, resignation or mutual termination).
- 13.3 The Local Government and Teachers Pension Schemes have set procedures for dealing with employee's ill health retirement. Full details of eligibility criteria, ill health retirement application form and guidance for completion are outlined in the guidance provided by each of the pension schemes websites.

14. Formal Dismissal hearing

- 14.1. The employee will normally be given 10 working days' notice in writing of a dismissal hearing. The chair of the hearing will write to the employee to confirm:
 - The problem with his/her attendance and the reasons for contemplating dismissal
 - The date, time and location of the hearing
 - The name of the person chairing the hearing
 - The right to be accompanied and/or represented by a trade union representative or work colleague
 - The requirement to provide the chair hearing the case with a copy of the documents that he/she will be relying upon and the names of any witnesses that he/she will be calling at the hearing at least 5 working days before the hearing

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- The advisement that the hearing could result in his/her employment being terminated.
- 14.2. Copies of documents that management will refer to at the hearing, and names of any witness that they will call will be included with the notification to the employee.
- 14.3. At the hearing both the management side and the employee will be given the opportunity to state their case, call witnesses and ask questions. HR will attend the hearing to provide procedural advice.
- 14.4 The hearing will normally be adjourned whilst the chair/panel hearing the case reaches a decision.
- 14.5 The outcome of the hearing may be either dismissal on the grounds of lack of capability or alternative action in the light of evidence presented at the hearing. Where an employee is dismissed he/she should be dismissed with appropriate notice. The employee will be notified in writing of the outcome normally within 5 working days and of their right of appeal.
- 14.6 A postponement may be granted if the employee or their representative is unable to attend on the proposed date. A postponement should not be for more than 5 working days after the original date proposed, however, an extension to this time limit can be made by mutual agreement. Where a hearing is rearranged and the employee is unable to attend a second time, the hearing will normally convene, as arranged, and a decision taken in the employee's absence.
- 14.7 Where an employee is dismissed at a formal dismissal hearing under this procedure, it will be normal practice that the employee will not attend work during their notice period.
- 15. Appeals**
- 15.1. An employee is entitled to appeal against the decisions within the absence management procedure to issue a formal warning and to formally monitor absence, and the decision taken at a dismissal hearing.
- 15.2 The following grounds are examples of when an appeal may be successful:
- The procedure - a failure to follow procedure had a material effect on the decision
 - The decision - the evidence did not support the conclusion reached
 - The penalty - was too severe given the circumstances of the case
 - New evidence - which has genuinely come to light since the first hearing.
- 15.3 The appeal must be made in writing, addressed to the Clerk of Governors, stating the grounds for the appeal, within 5 working days of being advised in writing of the decision that they are appealing. Headteachers, Senior Managers and Centrally Employed staff should address their appeal to the Clerk to the MAT Directors.
- 15.4 The appeal will be heard as soon as possible and not normally later than 6 weeks after being received.

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- 15.5 The employee will normally be given 10 working days notice, in writing, of the date of the appeal hearing. This notification will give the name of the person chairing the hearing, and the names of panel members. It will remind the employee of his/her right to be accompanied at the hearing by either a trade union representative or work colleague. HR will attend the hearing to provide procedural advice.
- 15.6 Both parties must indicate at least 5 working days in advance of the appeal hearing which, if any, witnesses they wish to call and provide copies of any documentation that will be relied upon at the hearing. In exceptional circumstances an alternative time-scale may be agreed.
- 15.7 In the case of an appeal against the decision taken at a dismissal hearing, the chair of the dismissal hearing will attend the appeal to present the management case.
- 15.8 The employee will be able to present evidence that is directly relevant to the grounds of the appeal. Management will have the opportunity to respond.
- 15.9 The appeal hearing may confirm or overturn the decision or may recommend some alternative action.
- 15.10 The employee will be informed of the appeal decision in writing, normally within 5 working days. The decision of the appeal hearing is final.

16. Authority to act under the procedure

Ill health capability concerning	Meetings at first, second and final stages	Hear an Appeal at first, second or final stages	Dismissal Hearing	Hear the Appeal at dismissal hearing
All employees based within schools, except those listed below	Either the Headteacher or an employee authorised by them of at least line management level	Headteacher if not previously involved or a Panel of three from the Local Governing Board	Panel of three, consisting of members of the schools local governing board and MAT Directors, usually this will consist of two from the Local Governing Board and one MAT Director	Panel of three, consisting of members of the schools local governing board and MAT Directors who have not previously been involved, usually this will consist of two from the Local Governing Board and one MAT Director
Headteacher	MAT Director or a Governor from the Local Governing Board	Panel of three consisting of MAT Directors and members from the Local	Panel of three, made up of either members of the Local Governing Board and/or	Panel of three MAT Directors who have not previously been involved

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		Governing Board or MAT Directors who have not previously been involved. At least one MAT Director should be involved.	MAT Directors. Must include at least one MAT Director	
Employees within the Central Team, except those listed below	Either an Executive Director or an employee authorised by them of at least line management level	CEO if not previously involved or a panel of three MAT Directors who have not previously been involved	Panel of three consisting of MAT Directors	Panel of three MAT Directors who have not previously been involved.
Executive Director	Either the CEO or a nominated Non-Executive Directors	CEO if previously not involved or a panel of three Non-Executive Directors	Panel of three Non-Executive Directors	Panel of three Non-Executive Directors not previously involved
CEO	Chair of the Board of Directors or a nominated Non-Executive Director	Panel of three Non-Executive Directors who have not previously been involved	Panel of three Non-Executive Directors	Panel of three Non-Executive Directors not previously involved

Where felt appropriate or there is a cause for concern, MAT Directors reserve the right to intervene with decisions and processes at all levels outlined in the above table, and may put alternative arrangements in place where felt necessary.

17. Annual Leave and Long-term Sickness Absence

17.1 All employees are entitled to statutory annual leave entitlement of 5.6 weeks or 28 days including bank holidays (pro rata for part time employees). Teachers, and support staff on term-time only contracts, are contractually required to be available to work during term time and their statutory annual leave forms part of normal holidays during school closure periods. The leave year for this purpose is defined as 1 September – 31 August. The leave year for centrally employed staff is defined as the 01 January – 31 December.

17.2 Entitlement to statutory annual leave is not affected by either paid or unpaid long-term sickness absence. The entitlement to this leave will be offset by any period of school

Management of Sickness Absence Procedure

closure that has taken place in the leave year in question i.e. both before and after the sickness leave period.

- 17.3 On return from sickness absence the employee must be allowed to take any of the outstanding 28 days. Term time only staff will be entitled to take any outstanding days during term time, only if there are insufficient school closures to accommodate the statutory annual leave in that leave year.
- 17.4 Where the return from sickness absence is so close to the end of the leave year that there is not enough time to take all of the statutory annual leave entitlement, or where the sickness absence has extended beyond 52 weeks, the employee must be allowed to carry over any balance to the following leave year. Term time only staff will be required to take this during the remaining periods of school closure after the 28 days' statutory entitlement for that leave year has been accommodated. A maximum of 18 months statutory annual leave can be carried forward where it has not been possible for it to be taken within year.
- 17.5 It is not possible for the employee to decide to carry over the statutory entitlement over into the next leave year, if there is time for it to be taken in the current leave year. It is also not possible to receive payment in lieu of the untaken entitlement unless the employee does not return to work after the period of sickness absence and the contract of employment ends.

18. Review

- 18.1. This procedure will be reviewed to respond to any changes in the employment legislation, and at least every three years.

Management of Sickness Absence Procedure

Appendix 1 – Self-Certificate – Record of Sickness Absence

To be completed by the Employee	
Name	
Job Title	
Dates of absence from work for sickness (start and end date)	
Date you returned to work	
Total number of working days absent	
Please circle relevant category of absence	<ul style="list-style-type: none"> A. Back and Neck Problems B. Other Musculo-Skeletal Problems C. Stress/Depression/Anxiety/Mental Health and Fatigue D. Infections (to include cold and flu) E. Neurological (to include headaches and migraines) F. Genito-urinary (to include menstrual problems) G. Pregnancy related H. Stomach, liver, kidney and digestion I. Heart, blood pressure and circulation J. Chest and respiratory K. Eye, ear, nose and mouth L. Other
Was medical advice sought?	
Do you have a known disability that has resulted in this period of absence?	
Do you wish to share any other information about the period of absence/nature of your illness	
To be completed by the Line Manager	
Does the employee feel fit to return to work?	
Number of days sick in this calendar year	
Was absence due to or exacerbated by workplace factors?	
Please state any actions that are to be put in place as a result of the employee's absence.	
For absences over 7 calendar days, please confirm date that the full return to work	

Management of Sickness Absence Procedure

discussion took place.	
<i>I certify that the above information is complete and correct. I agree that the information on this form can be used for sickness absence monitoring purposes. I declare that I have not undertaken any other form of secondary employment during this period of absence (unless otherwise agreed with my line manager)</i>	
Employees Signature	
Manager Signature	

When complete, this form should be sent to the MAT's payroll provider.

Notes

- 1. This form should be used for any sickness absence of half a day or more. It must be completed on the first day you return to work and passed to your Line Manager regardless of whether or not you have a doctor's certificate.*
- 2. A doctor's certificate is required after seven calendar days.*

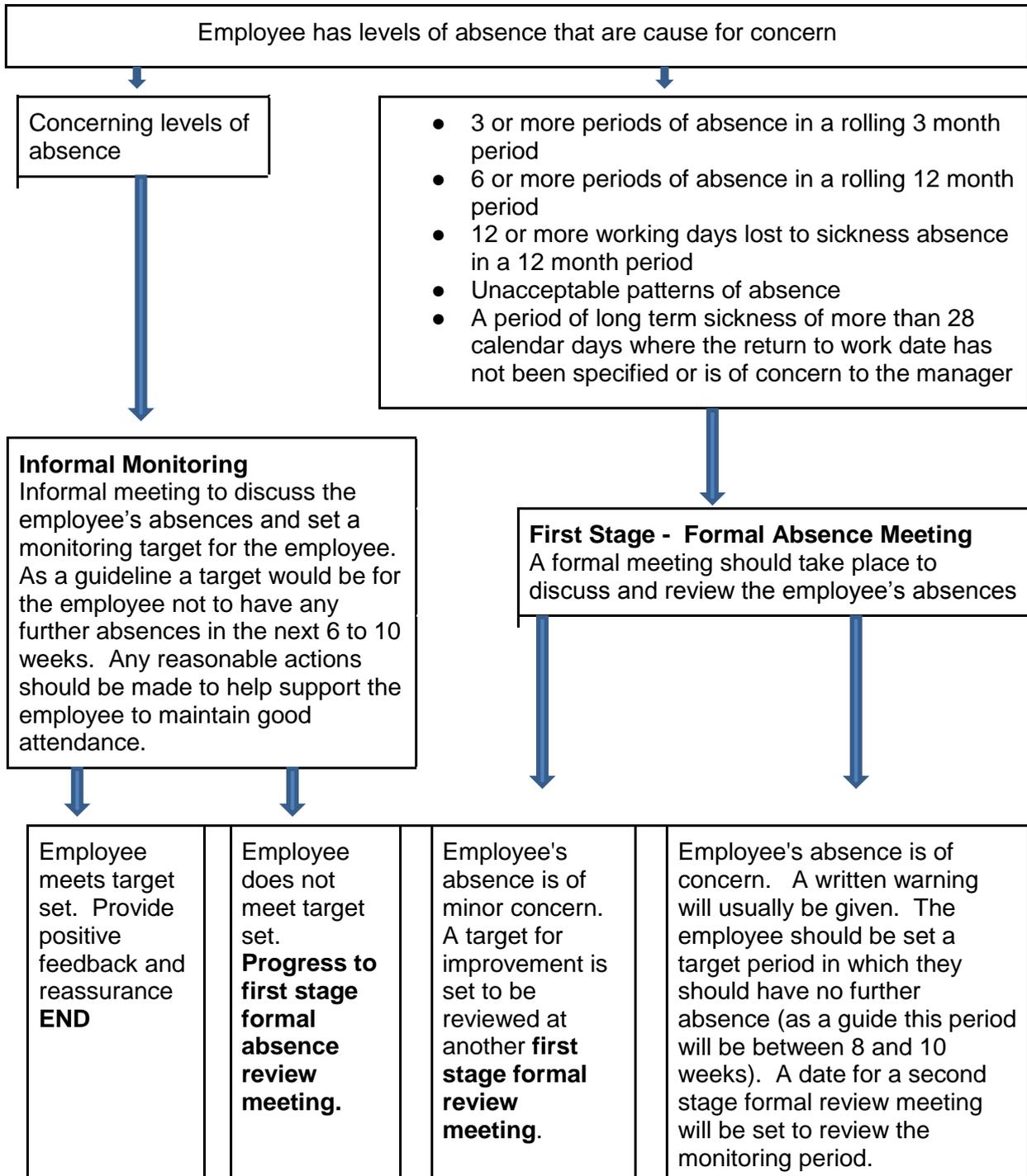
Management of Sickness Absence Procedure

Appendix 2 – Record of Return to Work Discussion

Record of Return to Work Discussion			
Employee's Name:		Employee's Job title:	
Manager's Name:		Manager's Job Title:	
Dates of absence in relation to this return to work discussion:		Does the employee have a disability that affected this period of absence:	
Please state reason(s) for employees absence:			
Does the employee feel fully recovered or is the reason for the absence still having an effect on them:			
Please state whether any other periods of absence within the last 12 months have been for the same reason:			
Has medical advice been sought? Please state any relevant details:			
Are there any workplace factors that have contributed to this period of absence, if so please give details:			
Are there any adjustments or actions that need to be taken to help facilitate the employee's return to work or for the employee to continue to remain in work:			
Is a referral to Occupational Health needed:			

Management of Sickness Absence Procedure

Appendix 3 – Appendix Flow Chart – to be read in conjunction with the management of sickness absence procedure



Management of Sickness Absence Procedure

<p>Employee meets target that was set at the second stage meeting. Employee's absence levels are acceptable. Congratulate employee and remove from monitoring. END</p>	<p>Employee absence improving, but overall absence is still high and additional monitoring could benefit employee. Set employee another target with a further review at the third stage formal absence review.</p>	<p>Employee does not meet target, absence high and improvements need to be made. Progress to a Dismissal Hearing.</p>
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Formal Dismissal Hearing
 A formal dismissal hearing will be held to discuss the employee's sickness absences. The meeting will consider relevant action/s to be taken, including termination of the employee's employment with the MAT.