



LORDSHIP LANE
PRIMARY SCHOOL

Schools Absence Management Policy and Procedure

Statutory or non-statutory	Haringey Policy adapted for LLPS	Date reviewed	Date of next review
Statutory	Yes	September 2024	September 2026

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1. Introduction

1.1 Lordship Lane Primary School is committed to creating a positive working environment and has a legal responsibility to ensure, as far as reasonably practicable, the health, safety and welfare of its employees. Employees who are absent from work due to sickness need to be treated with consideration and respect. Headteachers and managers should make every reasonable effort to assist staff in their recovery and return to work. The needs of the individual suffering from ill health must, however, be balanced against the needs of the school and pupils.

2. Purpose

2.1 This policy is intended to support staff and enable managers to manage sickness absence in a way, which is fair, consistent and complies with legislation. Therefore, it is essential that sickness absence and incapability due to ill-health are managed effectively and steps are taken, where necessary to promote employee health, safety and welfare.

2.2 The purpose of sickness absence management is to achieve better employee attendance at work and seek to reduce sickness absences effectively, fairly and in a sensitive manner. The governing body will ensure that training for their sub-committee, headteacher and managers involved in the various stages of the policy is provided.

2.3 The policy provides Headteachers, Senior Leadership Teams and Managers with guidance concerning:

- Maintaining accurate sickness records for all staff
- Ensuring that individual sickness records are reviewed.
- Objectively assessing absences and deciding on appropriate action, if necessary
- Exploring reasons for sickness absence to prevent the absence recurring, addressing any welfare problems and ensuring appropriate medical assistance is being provided.
- Identifying any work-related causes of absence and taking reasonable action to address such issues.

3. Scope

3.1 This policy applies to all Headteachers, teaching staff, all school-based support staff. It applies to sickness absence only and not to other absence such as annual leave, leave of absence or special leave.

4. Equality

4.1 The absence management process must always be applied in accordance with employment legislation and the school's Equality and Diversity in Employment Policy.

4.2 Some sickness absence may be related to a condition which is regarded as a disability under the Equality Act 2010. Where this is a possibility, specialist advice should be obtained (e.g. from the school's occupational health service) and reasonable adjustments to the individual's working systems or environment that may be appropriate should be considered, to ensure that any employee with a disability is not placed at a substantial disadvantage. Under the Equality Act, employers have a duty to make 'reasonable adjustments' where any aspect of working arrangements (including premises) places a person with a disability at a substantial disadvantage. For further information, see the school's Disability policy contained within the Equality and Diversity in Employment Policy

5. Confidentiality

5.1 Information about sickness absence must be handled carefully and in accordance with the Data Protection Act 2018 to ensure that sensitive details remain confidential.

6. Roles and Responsibilities

6.1 Employees

- Ensure that up to date contact details including telephone and email addresses are with the school.
- Report an absence from work to the designated person as per 9.1 below.
- Provide documentation as required in a timely manner to cover absence i.e fit notes, appointment letters.
- Attend occupational health appointments as necessary either face to face or via the telephone as required, to promote attendance at work and provide consent for reports to be released to headteacher.
- Complete associated paperwork such as stress questionnaires, DSE assessments in a timely manner as necessary
- Keep headteacher/manager updated on absence and maintain regular contact with line manager.
- Attend formal meetings if required relating to absence.
- Ensure regular contact is made during the absence from day one of absence.

6.2 Headteacher

- Consider the Equality Act 2010 in regard to any disability related absences.
- Ensure that a healthy workforce is promoted by utilizing workplace risk assessments, occupational health (as necessary) and wellbeing initiatives.
- Ensure that an attendance review meeting is held as soon as a trigger point is reached.
- Ensure consistency and fairness and the use of empathy and understanding when applying the policy.
- Respect employee's rights to confidentiality.
- Ensure appropriate HR and OH advice is sought.
- Ensure a return-to-work meeting is conducted following a period of sickness absence.
- Be aware of their responsibilities under the Health & Safety Regulations/Policy and other related policies.

6.3 Governing Body

- Ensure that the school have a sickness absence policy.
- To ensure that the policy is applied fairly and consistently across the school.
- To engage with the school's HR provider and to identify any potential issues or triggers that may be causing high levels of sickness and to work on reducing sickness absence within the school.
- To be available to chair panels for final sickness meetings

6.4 Human Resources Team

- To provide advice on how to implement the policy.
- To provide support at formal sickness meetings to the headteacher/manager/governing body sub-committee.
- To provide support and advice to headteacher/managers on how to implement the various stages of the policy.
- To provide advice on occupational health referral.
- To provide advice on medical redeployment processes as required.
- To provide advice on ill health retirement process as required.

6.5 Communication with the employee whilst off sick

In cases of sickness absence, contact will be maintained by the Headteacher or nominated school officer with the employee as part of keep in touch at regular intervals during sickness absence for the purpose of making general enquiries regarding the individual's welfare, support they are receiving to assist them with their recovery or passing on good wishes of staff. Telephone contacts will be appropriate. Headteachers must not seek to direct employees to undertake any work when they are absent on sickness grounds. The school should keep a record of the dates of these telephone calls, items discussed and other relevant matters. All other communication should be made in writing.

7. Other Types of Sickness Absence

7.1 Accidents At Work

For the purposes of sickness absence any time off taken due to an accident suffered at work (this also includes sickness due to an assault at work or an industrial or infectious diseases contracted at work) is not counted towards sickness absence triggers and must not be considered for formal action under the sickness absence policy. All other procedures such as Return to Work meetings, OH referrals (as necessary) should be carried out.

7.2 Pregnancy Related Absences

Pregnancy related illness will be kept separate from sickness absence records. Formal absence monitoring processes should not be used in relation to pregnancy related illness, although headteacher/managers should keep in regular informal contact with the expectant mother.

If pregnancy related sick leave is taken within the four-week period prior to the date a baby is due, this will trigger the commencement of maternity leave and pay, from the day after the first day of absence.

7.3 Miscarriage Related Absence

If a miscarriage happens in the first 24 weeks of pregnancy, there's no entitlement to statutory maternity, paternity or parental bereavement leave. However, the period of absence that the employee takes will be a paid leave specifically for pregnancy loss and will not count towards their sickness absence record. Employee is entitled to 2 weeks of parental bereavement leave and could request compassionate leave.

Where a miscarriage happens after 24 weeks of pregnancy, the birth mother can get up to 52 weeks of statutory maternity leave or pay and birth father can get up to 2 weeks of paternity leave or pay. They will both be entitled to 2 weeks of parental bereavement leave after they finish their maternity or paternity leave.

Support should be made available to any employee who may have suffered from a miscarriage including offer of counselling. Conversations should be handled sensitively recognising employee's preference.

7.4 Disability Related Sickness

Disability related absences should be taken into account when looking at an individual's absence record as part of absence monitoring. Some or all of disability related absences should be disregarded if doing so would be a reasonable adjustment for the employee. Time off for hospital appointments or treatment can be recorded as disability leave as detailed below: However, where the levels of absence become unacceptable and are affecting the delivery of the service, headteacher/managers should still initiate the sickness absence process from informal stages to formal stages as necessary. Please speak to your ER Adviser for advice in regard to what would be considered unacceptable levels of absence.

7.5 Disability Leave

The school wants to provide a wholly inclusive workforce and encourage employees with a disability to fully take part in the workplace. There is an understanding that disability can include certain conditions that require additional time off either on a regular or ad hoc basis. Whilst time off for appointments can be managed under reasonable adjustments the school recognises that some disabilities can mean that employees require more time off and this can lead to concerns about levels of sickness absence. Disability leave applies to fixed period of absences that are usually known about in advance. Disability Leave can be taken in whole days, half days but the totality must equal no more than 5 days on a rolling year and must be booked in advance. Proof of appointments or treatment may be requested.

It does not therefore include absences needed to recover or recuperate from a specific illness or operation. These types of absence would need to be recorded as sickness absence.

7.6 Eligibility for Disability Leave

The Equality Act 2010 defines a person as disabled where they have physical or mental impairments that have a substantial and long-term effect on that person's ability to carry out normal day to day activities. A long-term effect is one which has lasted or is expected to last at least 12 months. Disability leave is directly related to the employee's disability and cannot be used for any other sickness absence which must be recorded in the usual way on the hr/School system. For short term adjustments following a period of absence such as time off for follow up appointments etc is covered within reasonable adjustments and phased returns and short-term flexible working arrangements.

The definition of disability is very broad, therefore if an employee or manager is uncertain on whether a condition is a disability then a referral to occupational health should be made to seek advice about whether a condition meets the criteria and would be covered by the Equality Act 2010.

If an employee fits the criteria as outlined above and requests time off, the absence should be recorded as disability leave by the school and advised to their HR provider and the absence is not counted towards any sickness absence triggers.

8. Short Term and Long-Term Sickness Absence

8.1 Short Term sickness is defined as absence that is less than 4 weeks in duration. This is the same for all employees whether full time or part time. Short term absence is still subject to sickness monitoring and headteachers are required to address any concerns that activate triggers (please see section 12 on absence triggers). This is the same for both full time and part time employees.

8.2 Long Term Sickness is defined as a continuous period of sickness absence that is over 4 weeks in duration. This includes planned sickness i.e a surgical operation & recovery period. Usually, long term sickness would require a referral to occupational health to identify any potential reasonable adjustments that may be needed to enable an employee to return to work.

To ensure early intervention, any work-related sickness absence due to anxiety/depression for a continuing period of up to two weeks for the purposes of this policy should trigger consideration for occupational health referral and other interventions.

An employee returning to work from Long Term sickness may also require a phased return back into the workplace (see section 13.3 on phased returns). This is the same for all employees including part time employees.

9. Reporting Sickness Absence

9.1 First day

All employees must notify the appropriate person in line with the school's procedures by the time specified by the school if they are unable to attend work. This will enable the school to seek alternative cover arrangements and reduce the burden of cover on colleagues.

Employees should wherever possible personally telephone and should give the nature of illness, symptoms and when they expect to return (if known). Simple details of the work programme for that day, for example, a planned meeting that will need to be cancelled, location of test papers, books, resources etc. should also be communicated. Should the absence continue longer than expected the employee has the responsibility to keep the headteacher updated regularly.

9.2 Fit Notes

If a sickness is longer than 7 days, then a fit note from the employee's registered GP is required. A hospital fit note is acceptable if an employee is an inpatient at a hospital. The employee should send the fit note to the headteacher as soon as is practicable (in the case of headteacher, to the chair of governors).

If an employee fails to keep in contact with the headteacher or line manager or provide any fit notes covering their period of absence, then the headteacher (or chair of governors in the case of headteacher) should send the employee a keeping in touch letter either by email (personal) or by registered post to the employee's home address. This letter will let them know that failure to do so could result in their pay being stopped.

If an employee fails to provide the relevant fit notes and pay needs to be stopped then the headteacher should seek advice from their HR provider.

9.3 Recording Absence

Headteacher is required to notify their payroll provider of all sickness absences including the start date of the absence, the reason for sickness and the expected end date. All sickness for the month needs to be entered on the payroll system (i.e. SAP for LBOH) by the end of the month to meet payroll deadlines.

10. Return to Work (RTW)

10.1 Once an employee has returned to work, a return-to-work meeting needs to be held by the headteacher/manager with the employee and the relevant return to work form completed.

If regular short-term absence or patterned absence occurs, this should be recorded in the RTW and addressed with the employee and if there is reoccurrence it may be appropriate to hold an Attendance Review Meeting.

11. Sick Pay

11.1 Once entitlement to sick pay has been exhausted then an employee will switch to Statutory Sick Pay if there remains an SSP entitlement. The School's HR provider will give notice via a letter when an employee is to move from full pay to half pay and from half pay to nil pay when statutory sick pay is paid. The headteacher/manager should inform the employee in good time (at least 2 weeks) prior to when there is a change in pay. Headteacher/Manager must speak to their HR Adviser if the absence is known to be over 4 weeks or is approaching 4 weeks in duration, to ensure that pay is correctly processed.

12. Sickness Absence Triggers

12.1 Once an employee has hit an absence trigger as below then an attendance review meeting needs to take place. This attendance review is informal and takes place between the headteacher/manager and the employee only (in the case of a headteacher, with chair of governors). This meeting must take place as soon as is practically possible once an employee has met one of the above triggers.

The headteacher/manager should give the employee at least 24 hours notice before the meeting and the meeting should be face to face. It will not be necessary for the employee to be accompanied by trade union representatives and for HR to attend. However, any request should not be unreasonably denied.

During the meeting the headteacher/manager should do the following:

- Carry out a welfare check on the employee, asking them how they are feeling and whether there is anything that they could do to support the employee. The headteacher/manager should take notes of any issues raised at the meeting and store them on the employees HR file.
- The headteacher/manager should send a copy to the employee of the notes and make it clear that a copy has been saved in their file.
- It may be appropriate to refer the employee to occupational health.

If appropriate the manager should advise the employee that if there are further absences then it may be necessary to initiate formal action such as the 1st Formal meeting as appropriate. This should be considered on a case by case basis and with input from the Employee Relations Adviser as necessary.

Number of Working Days	Absence Trigger Points
2 days per week	3 days in a 12 month period
2.5 days per week	3 days in a 12 month period
3 days per week	4 days in a 12 month period
4 days per week	5 days in a 12 month period

13. Management Tools for Supporting Employees

13.1 Reasonable Adjustments

Occupational Health advice should be sought where reasonable adjustment may be required to enable an employee to return and remain at work. Please contact your Employee Relations Adviser for guidance on Reasonable Adjustments.

Where an employee is said by the GP or specialist that they are fit to return to work, but school is waiting for an assessment from OH, the employee should be placed on medical suspension

subject to the outcome of the OH referral. The period of suspension will not count towards the employee's absence.

13.2 Occupational Health Referrals

Occupational Health is a service that can provide medical interventions in helping employees return to work and assisting headteachers/managers in helping to incorporate medical requirements that employees may need to carry out their duties. Only the headteacher or Chair of governors can make an occupational health referral. Employees cannot self-refer but if they feel that they need to see occupational health then they should discuss with their headteacher/ line manager who can make the referral as necessary.

If an employee has hit an absence trigger, a discussion between the headteacher/manager and the employee as to whether an occupational health referral should be made during the Absence Review Meeting or earlier if appropriate. The headteacher/manager should speak to the Employee Relations Adviser for referral guidance. The headteacher/manager should ensure that all the questions are answered as well as providing specific questions relating to the employee's role.

The employee's job description should always be attached with the referral as well as any fit notes relating to the absence. This is essential as this information will enable Occupational Health to make relevant assessments regarding any reasonable adjustments that are recommended.

If an employee does not want to see Occupational Health, then the headteacher/manager needs to inform the employee that decisions will be made without Occupational Health input which would mean that medical advice will not be considered.

Employees have to give written consent to an OH referral before any appointment. Following employee completion of their appointment, the OH will follow their process in providing report of their assessment to the headteacher.

13.3 Phased Return

If an employee has been recommended by Occupational Health to return to work on a phased return, then it is best practice to accommodate this. The phased return is paid at full pay as the employee is deemed to have returned to work. A phased return is for a maximum of 6 weeks at full pay.

However, the phased return must also be compatible with the service needs and ability to deliver. Occupational Health will usually provide guidance on the amount of hours or days the employee should return at, or sometimes it is given as a percentage i.e 2 weeks at 50% of contracted hours, 2 weeks at 75% then full working hours thereafter.

The headteacher/manager and employee should have this discussion prior to the employee's return and confirm and agree the date of return, the start time and finish times and the duration of the increase in hours until the employee returns to their full-time hours.

If, after the allotted time of the phased return the employee does not feel able to return to their full-time hours then the phased return can be extended using sickness absence, unpaid leave or the employee's annual leave. For example if an employee still only feels that they can do half days only then the other half of their day would be recorded as annual leave and should be reflected and deducted from the employee's annual leave card or accrued leave for employees on term time only contract. If an employee does not wish to utilise their annual leave then this would need to be recorded as sick leave.

A decision to extend a phased return must be balanced with the employee needs, the needs of the service, other colleague's workloads and service delivery.

If the employee then exhausts their annual leave and still feels unable to return to full time hours then they can make an application for consideration under the Flexible Working Policy using the Flexible Working Application Form both of which are available from the school office.

A phased return as described above can normally only take place once in any 12 month rolling period. If an employee requires a phased return more than once then the hours that are not worked should be recorded as sick leave by the school and advised to the HR provider. For example if somebody is working on 50% of their normal hours then the hours they are not working (the other 50%) would need to be recorded as sickness.

13.4 Medical Redeployment

There may be instances where an employee's illness or medical condition means that they are no longer able to continue in their current role even with adjustments. One option that may be considered is medical redeployment, and anyone who is placed on the redeployment register for medical reasons will have a 12-week period of redeployment before their employment is terminated.

Once agreed headteacher will need to speak to the Employee Relations Adviser to facilitate the process. Medical Redeployment can be on a temporary or permanent basis. The redeployment process can be found in the Organisational Change Policy:

Medical redeployees must be sent to Occupational Health prior to any alternative employment being offered and accepted to determine suitability for the role.

Permanently Unfit for Any Post

Where Occupational Health advice confirms that the employee is permanently unfit for any post and they are not a member of the pension scheme, the following steps will be taken. The employee will be invited to an Absence Hearing, chaired by the headteacher if they have delegated authority to dismiss or heard by a Governor Panel, with union representative and personnel also present. The Occupational Health report will be outlined to the employee, confirming that they are permanently unfit and they will have the right to present their case following the relevant procedure found in the appendices to this document. If the outcome is dismissal, the notice of dismissal date will be agreed with the employee taking into account any outstanding annual leave etc. The employee is entitled to a right of appeal.

13.5 Stress Risk Assessment

If an employee reports an absence for work related stress, then a stress risk assessment should be completed with the employee:

An informal meeting would need to be held between the headteacher/manager and employee to discuss any issues raised. If a referral to Occupational Health is made in relation to the absence, then the employee should take the completed risk assessment with them to the appointment.

13.6 EAP Support

As a school, we also offer access to an Employment Assistance Programme (EAP) that employees can use. They are a free and confidential service that can offer advice on personal, work-related, health or legal issues and can be accessed 365 days a year by phone or by website. They also offer counselling sessions (up to 6) if required. Information can be found from the school office.

13.7 Ill Health Retirement

In some cases an employee's illness is such that they are not able to return to work at all and their illness/condition means that they are unlikely to be able to work in the near future.

It may be necessary to delay the outcome of final sickness management hearing to ensure appropriate consideration of alternative options such as ill health retirement outcomes. The employee will be kept informed if such a delay is necessary.

The headteacher should speak to their Employee Relations Adviser and if Occupational Health has recommended that an employee is eligible for ill health retirement, then ill-health retirement should be processed through the payroll through the leavers process.

14. Formal Process

14.1 1st Formal Meeting

If the employee's absence reaches the criteria for formal action as stated in the policy, then a first formal meeting will need to be scheduled. Formal action should only be initiated once all informal actions have been completed including the attendance review meeting. Any actions discussed at the informal review meeting should have been completed. Formal action should never come as a shock for an employee and headteacher/manager should be having regular conversations with their staff if absence is a concern.

The trigger points should not be the only metric by which a headteacher/manager determines whether or not a 1st Formal meeting is needed. Headteachers/managers are encouraged and expected to use their professional judgement in determining whether or not a 1st Formal Meeting is required. Guidance can be sought from the school's HR Provider.

Along with the letter inviting the employee to the meeting, the employee should be given a report of their absence history and be given 5 working days notice before the meeting. The employee should bring along any medical information relating to the sickness. The headteacher/manager should look at it as necessary but not make any copies. The headteacher/manager should note down any important points such as appointment dates, diagnosis, prognosis and medication being taken. If not received headteacher/manager should take a copy of any fit notes provided and these should be kept in the employee's HR file.

If an occupational health assessment and report have been received, then this should be brought to the meeting by the headteacher/manager and discussed with the employee. If an occupational health assessment has previously been done and is part of the same period of sickness or related to the condition that the current sickness then any previous action plans should be discussed further and any outcomes agreed.

The employee should confirm attendance no later than 24 hours before the meeting is to take place. If the employee does not confirm attendance and does not show up to the meeting, headteacher/manager should reschedule the meeting to take place within 5 working days of the original meeting. If the employee fails to confirm attendance and does not attend, then the manager should proceed with the meeting in the employee's absence. For this meeting, an employee has right to be accompanied by their trade union representative or a colleague of their choice. However, a representative cannot attend in an employee's absence.

An outcome letter detailing the discussions in the meeting with any action points should be sent either via email (non-work email) or by registered post to employee's home address.

The 1st formal meeting can only happen once for the same absence period. If an employee's sickness absence remains a concern that requires formal action then you will need to move to the 2nd stage of the process.

14.2 2nd Formal Meeting

If within 12 months of the first formal meeting an employee's absence is of significant concern, then it is right to move to the next stage of the formal process. Like the 1st formal meeting, the meeting should never be a shock to the employee and regular conversations regarding an employee's absence should still be ongoing. The 2nd formal meeting cannot take place if an absence review meeting and 1st formal meeting have not taken place regardless of the length of the absence.

Moving onto 2nd formal needs to be done on a case-by-case basis. It is not automatic that if an employee hits an absence trigger and has had a 1st formal that it should automatically move onto the next stage. For example, if an employee has been waiting for surgery and the employee would need to have a significant recovery time then another attendance review meeting might be more appropriate than a formal meeting.

Along with the letter inviting the employee to the meeting the employee should be given a report of their absence history. The employee should bring along any medical information relating to the sickness. The manager should look at it as necessary but not make any copies. The headteacher/manager should note down any important points such as appointment dates, diagnosis, prognosis and medication being taken. If not received headteacher/manager should take a copy of any fit notes provided and these should be kept in the employee's HR file.

If an occupational health assessment and report have been received, then this should be brought to the meeting by the headteacher/manager and discussed with the employee. If an occupational health assessment has previously been done and is part of the same period of sickness or related to the condition that the current sickness, then any previous action plans should be discussed further and any outcomes agreed.

The employee should confirm attendance no later than 24 hours before the meeting is to take place. If the employee does not confirm attendance and does not show up to the meeting, managers should reschedule the meeting to take place within 5 working days of the original meeting. If the employee fails to confirm attendance and does not attend, then the manager should proceed with the meeting in the employee's absence. For this meeting a representative cannot attend in an employee's absence.

An outcome letter detailing the discussions in the meeting with any action points should be sent either via email (non-work email) or by registered post. For the purposes of sickness absence monitoring the formal action stays live for 12 months from the date of the meeting.

The 2nd formal meeting can only happen once during the formal process. If an employee's sickness remains of concern that requires formal action, then the headteacher/manager will need to contact the Employee Relations Adviser to discuss moving the process to a final sickness hearing. Please note that a final sickness hearing cannot be convened without input from the school's HR provider.

14.3 Final Sickness Hearing- 3rd Stage

A final stage hearing should only be considered when an employee has been through all the prior stages of the process, attendance review, 1st formal meeting and 2nd formal meeting and only when the absence is causing significant concern. A final stage hearing should only be convened when the possibility of dismissal is being considered.

Prior to the meeting the headteacher/manager must prepare a report which needs to include the following:

- a) The employee's absences over the last 12 months including dates and reasons
- b) Any factual medical information including fit notes from GP, information from medical letters etc
- c) A synopsis of the most recent Occupational Health Report including any recommendations and adjustments. For best practice an Occupational Health report should be no older than 2 months prior to any final hearing.

- d) Any actions already taken i.e dates and outcomes of the formal meetings or attendance reviews.
- e) Any support and/or reasonable adjustment offered to the employee

The meeting must be by the governing body sub-committee of 2 or 3 governors. For a final hearing the **Chair** must write to the employee outlining the purpose of the meeting and letting them know the time, date and venue of the meeting and their right to be accompanied by a Trade Union or work colleague of their choice. A member of the school's HR provider will also support the meeting. This meeting should be conducted face to face unless there is a medical reason preventing this. The letter must make it clear that dismissal is a possible outcome of the meeting. The chair must give the employee a minimum of **10 working days' notice** of the meeting (excludes school holidays except for support staff on all year-round contract). The meeting will be recorded electronically therefore eliminating the need for a notetaker. The notes of the meeting are then transcribed with a copy given to the employee if requested. The notes of the meeting will be placed in the employee's HR file.

If an employee is unable to attend the meeting, they will need to provide a fit note specifically exempting them from attending management meetings, a general fit note covering the whole sickness absence is not sufficient. A hearing can be rescheduled for example if an employee is an inpatient in a hospital. If the hearing needs to be rescheduled, then it is best practice to reschedule the meeting within 5 working days of the original hearing date.

If the reason for attendance is not strong enough to be rescheduled, then the representative can attend in the employee's place.

If neither the employee or representative cannot attend, then the meeting can be heard in the employee's absence and a decision made. In this instance the manager will present the case and the chair will write directly to the employee to inform them of the outcome.

The sub-committee will consider the following:

- a) The report prepared by the headteacher
- b) Any additional factual information provided by the employee
- c) The impact of absence on service delivery including colleagues and financial
- d) Options or actions to support a return to work such as redeployment or ill health retirement
- e) Any special circumstances referred to by the employee

If, following full discussion of the above and carefully considering any mitigating circumstances there is no evidence to indicate that a substantial improvement in attendance can be expected in the immediate future or by a specific date then the employee can be dismissed from the organisation.

The reason for the dismissal will be on the grounds of capability due to ill health. Dismissals of this nature will be with notice and any outstanding annual leave that has been accrued will be paid.

A letter should be sent to the employee confirming the decision of the panel no later than **5 working days** after the date of the hearing. If dismissal is the outcome, then the letter should contain the employee's right to appeal. A copy of the letter must be sent to the employee's representative if they were a trade union representative.

It may be necessary to delay the outcome to ensure appropriate consideration of alternative options such as ill health retirement or redeployment outcomes. The employee will be kept informed if such a delay is necessary.

If the decision is made to dismiss then the headteacher will need to follow the leavers process. As the employee would be dismissed with payment in lieu of notice it is important that the form is filled in correctly reflecting this. Headteacher should seek advice from their HR provider to confirm notice period.

14.4 Appeal

All persons who have been dismissed under the sickness policy have the right to appeal the decision. The appeal panel will be by the governing body committee and consist of 2 or 3 governors who hasn't had any involvement in the process.

An appeal can be made on the following grounds:

- Procedural: where the employee feels that the process was not carried out correctly
- Allegation of bias: there was an unfair bias in the decision from the panel
- New evidence: that was not available at the time of the original hearing. (this cannot be evidence that was available at the time but was not provided)
- Severity: The employee feels the sanction was too severe

An appeal must be sent to the Clerk of the governors, within 10 working days from the date of the letter confirming the hearing outcome. An appeal may be lodged outside of this timeframe in exceptional circumstances only and the final decision to accept an appeal will rest with the chair of governors.

When an appeal is received HR will provide the transcript of the original hearing to the panel as well as the bundle that was part of the original hearing. If the employee has any **new** evidence that may have a material effect on the final outcome this may be introduced at the appeal stage.

The appeal hearing will normally be set for no later than 20 working days after the date of receipt unless there are exceptional circumstances. Any additional documentation must be submitted no later than 10 days prior to the appeal date.

The decision of the appeal will be communicated in writing to both the employee and the representative (if trade union) within 5 working days of the hearing.

14.5 Dismissals and Members of Pension Scheme

If the employee is a member of the pension scheme, then advice regarding pension options and entitlements is available from the Pension Team or through the Schools HR Team. The school personnel adviser should advise the individual employee, or the school to request information regarding their scheme. Information and quotes regarding individual benefits under the scheme will only be provided to the employee.

The Local Government Pension scheme requires employers to obtain a certificate from an Independent Occupational Health Physician before making decisions on pension benefits. The Teachers Pensions Agency requires employees to apply for retirement benefits through the Occupational Health Physician once he/she has completed the relevant forms available from www.teacherspensions.co.uk.

Appendix 1 - Sick Pay Entitlements for Teachers

Subject to the provisions of their contracts and Burgundy Book, the entitlement to paid sick leave for teachers is as follows:

During the first year of service	full pay for 25 working days and after completing 4 calendar months' service half pay for 50 working days
During the second year of service	full pay for 50 working days and half pay for 50 working days
During the third year of service	full pay for 75 working days and half pay for 75 working days
During the fourth year of service	full pay for 100 working days and half pay for 100 working days
During the fifth and successive years	full pay for 125 working days and half pay for 125 working days (local condition of service)

'Working days' means teaching and non-teaching days within 'directed time' as specified in the Schools Teachers' Pay and Conditions Document.

The conditions of the scheme exclude certain illnesses from the above limits:

- Where a teacher suffers pulmonary tuberculosis and submits to an approved course of treatment full salary shall be paid for the first 12 calendar months of the absence. Further pay is at the discretion of the school.
- Where the LA's approved medical adviser confirms that absence was due to an infectious or contagious illness contracted directly in the course of a teacher's employment, full salary will be paid for a period of time authorised by the medical adviser and the absence will not count against sick pay entitlements.
- Where a teacher resides in a house in which another person is suffering an infectious disease they should notify the headteacher and take such precautions as may be prescribed. Where the LA medical adviser recommends enforced absence from duty, full salary will be paid for the length of the absence and the absence will not count against sick pay entitlements.
- Where the LA's medical adviser recommends that it is inadvisable for a teacher to attend duty for precautionary reasons due to an infectious disease in the workplace full salary will be paid for the length of the absence and the absence will not count against sick pay entitlements.
- If absence is due to an accident outside work the LA/School will be entitled to claim back any sick pay from any third party which may pay the employee compensation e.g. insurance company.
- If absence is due to absences arising from accidents, injury or assault at work, full pay shall in all cases be allowed. Where the teacher is still absent after the initial six months' period an extension to the full pay shall be considered to a maximum of 6 month.

Appendix 2 - Sick Pay Entitlements for Support Staff

The entitlement to paid sick leave for support staff is as follows:

Length of Service	Sick Pay Entitlement
After 4 months service	1 month's full pay & 2 month's half pay
In the 2 nd year of service	2 month's full pay & 2 month's half pay
In the 3 rd year of service	4 month's full pay & 4 month's half pay
In the 4 th and 5 th year of service	5 month's full pay & 5 month's half pay
After 5 years of service	6 month's full pay & 6 month's half pay

An employee who is prevented from attending work because of contact with an infectious disease shall be entitled to receive normal pay. The period of absence on this account shall not be reckoned against the employee's entitlement under this scheme.

Absence in respect of normal sickness is entirely separate from absence through industrial disease, accident or assault arising out of or in the course of employment with the LA. Periods of absence in respect of one shall not be set off against the other for the purpose of calculating entitlements under the scheme.

If absence is due to an accident outside work the LA/School will be entitled to claim back any sick pay from any third party which may pay the employee compensation e.g. insurance company.

If an absence from work is due to misconduct, negligence or the employee has failed to observe the conditions of the scheme, e.g. late or non submission of sickness certificate, sick pay may be suspended for the period of absence. In any such case, the employer will inform the employee of the grounds upon which the payment of sick pay has been suspended. The employee will be given the opportunity to submit their case to the headteacher, before a final decision is made on whether to instigate the disciplinary procedure.

Appendix 3 – Summary of sickness absence procedure

After 6 days absence	Attendance Review Meeting	<ul style="list-style-type: none"> • Identify possible health or other problems. • Identify concerns about the attendance record. • Identify need for improvement in attendance. • Identify if changes in duties or workplace are required. • Identify if employee may benefit from an occupational health referral at this stage.
If no significant improvement in attendance record	First Formal Meeting	<ul style="list-style-type: none"> • Explore reasons for absence. • Identify concerns about the attendance record. • Discuss OH report and implications for a return to work. • Opportunity for employee to provide further information and/or explore other solutions. • Identify the need for improvement in attendance. • Caution the employee of the consequences of continued high absence rate. • Set date for further formal meeting if applicable. <p>In addition, for long term absence:</p> <ul style="list-style-type: none"> • Identify the expected date of return where possible. • Consideration of retirement if applicable
If no significant, sustained improvement in attendance following 1 st formal meeting	Second Formal Meetings	<ul style="list-style-type: none"> • Same process as outlined in the First Formal Meeting
If no significant, sustained improvement in attendance following 2 nd formal meeting	Absence Hearing	<ul style="list-style-type: none"> • Headteacher (or a Panel of governors) consider the need to either extend monitoring process through adjournment of meeting or determine the employee should cease to work at the school.
	Appeal	<ul style="list-style-type: none"> • Panel of 3 Governors to uphold, modify or overturn the decision

Appendix 4 - Order of Proceedings - Absence Hearing

The conduct of the hearing will be the responsibility of the Chair which can be either the headteacher where they have full delegation or a member of the Panel of Governors.

The order of proceedings can be adjusted to suit the circumstances, if necessary, in consultation with the parties, providing the overall principles, aimed at securing a fair hearing, are adhered to.

1. The headteacher/chair introduces all those present and outlines purpose of hearing and any procedural arrangements.
2. The nominated manager/school representative (supported as necessary by their HR Adviser, if any) presents the case against the employee.
3. The employee and/or representative have the opportunity to question the nominated manager/school representative.
4. The headteacher/panel has the opportunity to question the nominated manager/school representative.
5. The nominated manager/school representative may call witnesses.
6. The employee (and/or representative) has the opportunity to question each witness.
7. The headteacher/panel may question each witness.
8. The employee (and/or representative) presents their case.
9. The nominated manager/school representative has the opportunity to question the employee.
10. The headteacher/panel has the opportunity to question the employee.
11. The employee (and/or representative) may call witnesses.
12. The nominated manager/school representative has the opportunity to question each witness.
13. The headteacher/panel may question each witness.
14. The nominated manager/school representative has the opportunity to summarise the case
15. The employee (and/or representative) is invited to make any closing remarks.
16. All persons withdraw, other than the headteacher/panel, the note-taker and any professional advisers present, while the headteacher/panel deliberates. The panel deliberation should not be recorded, but decision arrived should be.
17. The parties may be either released or recalled to clarify any points of uncertainty.
18. Where the headteacher/panel cannot reach a decision before the parties are released, the parties will agree how the decision will be communicated. In any event, formal notification of the outcome will be sent in writing within 5 working days of the hearing.

Appendix 5 - Order of Proceedings – Absence Appeal Hearing

The conduct of the hearing will be the responsibility of one of the members of the Governors' Appeals Panel, elected to act as its Chair.

The order of proceedings can be adjusted to suit the circumstances if necessary, providing the overall principles, aimed at securing a fair hearing, are adhered to.

1. Chair introduces all those present and outlines purpose of hearing and any procedural arrangements.
2. The employee (and/or representative) presents his/her case.
3. The headteacher or chair from the Governors' Absence Hearing Panel (as appropriate) has the opportunity to question the employee.
4. The Panel have the opportunity to question the employee.

The headteacher/chair from the Governors' Absence Hearing Panel presents the case for action against the employee and the reasons for the level of action taken.

The employee (and/or representative) has the opportunity to question the headteacher/spokesperson.

The Panel have the opportunity to question the headteacher/spokesperson.

The headteacher/spokesperson has the opportunity to summarise the case.

The employee (and/or representative) is invited to summarise the case and make any closing remarks.

All persons withdraw, other than the Panel, the Clerk and any professional advisers present, while the Panel deliberates.

The parties may be either released or recalled to clarify any points of uncertainty.

Where the Panel cannot reach a decision before the parties are released, the parties will agree how the decision will be communicated. In any event, formal notification of the outcome will be sent in writing within 5 working days of the hearing.

Document Control

Revision History				
Version	Status	Date	Summary of Changes	Name
V0.1	Policy	June 2011	Sickness Absence Management Procedure	
V0.2	DRAFT	14/5/2023	<ul style="list-style-type: none"> Policy is modelled after the council agreed version with changes specific to education sector reflected and additions to make interpretations better highlighted in blue. Tigger periods included to not only show ccumulative numbers of days absence in a set period that may be a cause of concern but let managers/TU Reps know they may need to work with a certain employee on finding if there are underlying medical conditions, early support and ways to improve attendance. 	
V0.2	FINAL VERSION	14.11.2023	Agreed with Joint Branch Secretaries – now being represented following SCG meeting	CO, SF. EH
Final Version	Date	14.05.2024	Policy signed off by SCG.	SCG