

# William Austin Junior School

## Sickness Absence procedure



Adapted from LBC policy

### 1. INTRODUCTION

- 1.1 The School is committed to promoting the health and well-being of its employees and seeks to protect their health and safety by providing a safe working environment. When illness or injury occurs, the school will treat absences in a prompt, sensitive and consistent manner.
- 1.2 Excessive absence levels can seriously impact productivity and a school's ability to produce an efficient and high quality service. This policy aims to support Headteachers and governing bodies to improve levels of attendance by the use of a positive, fair and consistent procedure.
- 1.3 This procedure applies to all staff in schools and to centrally employed staff in a multi-academy trust.
- 1.4 Where this procedure is used within a Multi-Academy Trust (Trust), the roles and responsibilities set out within this procedure should be read alongside the Trust's Scheme of Delegation. Template letters may need to be adapted accordingly.
- 1.5 This procedure covers all absence for reasons of sickness or injury. The School's Leave of Absence Policy should be referred to where employees require time off for instances other than sickness, for example compassionate leave.

### 2. RESPONSIBILITIES

- 2.1 It is the responsibility of the Headteacher or designated manager to manage sickness absence. It is essential that they ensure employees are aware of the school/Trust's Sickness Absence Procedure and reporting procedures. Employees should be made aware that, in line with terms and conditions of employment, sick pay may not be authorised if they fail to comply with this procedure.
- 2.2 Adequate sickness records must be maintained in order to confirm the duration and reason for all periods of absence.
- 2.3 All sickness matters must be dealt with in the strictest confidence.
- 2.4 Employees are expected to maintain good attendance at work and care for their health, seeking medical help when appropriate. They are required to keep their manager fully informed of the position should they be unable to attend work.

### 3. REPORTING ABSENCE

- 3.1 All employees should be made aware as soon as they start employment of the requirements of how and when to notify the School that they are not able to attend work for reasons of illness or injury.
- 3.2 Employees should be made aware that they should not attend for work if they are genuinely sick.
- 3.3 The following procedure must be followed by employees. Failure to follow this procedure may result in disciplinary action and/or non-payment of sick pay.

Staff Member	Phone	Time
Teacher / HLTA / Family Worker / Teaching Assistants	Tabbs Parkar	7.00am – 7.15am
Midday Supervisory Assistants	SMDS or School Office	Before 10.00am
Premises staff	Darren Bowler	AM - night before PM - Before 2.00pm
Admin Staff	School Office	8.15am - 8.30pm

#### First day of sickness

- 3.4 On the first day of sickness the employee must contact the Headteacher or the designated senior member of staff directly to inform him/her that they are ill; giving reasons for the absence and, where possible, stating how long the absence is likely to last. This should be done by telephone at the earliest opportunity and in any case prior to the start of the school day. If the Headteacher or designated senior member of staff is not available, then the employee should leave a message with their contact details for the designated senior staff member to call them back.
- 3.5 Unless the employee's health renders them unable to speak, the call must be made by the employee themselves. In the exception that this is not possible, their absence may be reported by a nominated third party e.g. a relative or friend.
- 3.6 The designated member of staff receiving the call must, in a sensitive manner, make enquiries as to the nature of the illness and its expected duration.
- 3.7 A record of the call and reasons for absence must be taken and recorded on the employee's absence record. The absence must also be recorded on the electronic sickness return spreadsheet and sent to the school's payroll provider.

#### Fourth to seventh day of Absence (Self – certified sickness)

- 3.8 If the absence continues into the fourth day (including weekends, rest days and public holidays) the employee should again notify the designated member of staff giving some further indication of the nature of the illness and likely length of absence.
- 3.8 Where an employee fails to make contact in line with the procedure, the Headteacher should take immediate action to find out why.

### **Sickness Absence which lasts for 8 or more days (Medically Certified Sickness)**

- 3.10 If the absence continues into an eighth day (including weekends, rest days and public holidays) the employee should obtain a medical certificate from a doctor and send it immediately to the Headteacher. If an employee is still not fit to return by the time their medical certificate expires, they must obtain a further medical certificate so that their entire period of absence is covered and send this to the school at the earliest opportunity.
- 3.11 It is recommended that regular contact be maintained between the school and employee throughout any prolonged period of absence. At an early stage arrangements should be made as to the frequency and form of such contact.
- 3.12 Doctors no longer issue certificates to confirm an employee is fit to return. If an employee is due to return when their sick certificate expires after a long period of absence and the school is concerned about whether they are fit to return the school should contact Occupational Health.

### **Completion of Self-certification Form and Production of Medical Certificates (Fit note)**

- 3.13 All sickness absence of up to eight days (including weekends, rest days and public holidays) must be backed by a Self-Certification Form. This should be completed, ideally, on the employee's first day back at work. The self-certification must be counter-signed.
- 3.14 Continuous sickness must still be recorded on the sickness return spreadsheet without an end date until it is known. When an employee returns, their details should be deleted from the sickness return for the following month.

### **School holidays**

- 3.15 Where an employee is continuously not fit for work on the last day of term and first day of the next, a certificate should be provided to cover the school holidays.

### **Fit notes which recommend adjustments**

- 3.16 A fit note may contain adjustments recommended by an employee's GP. The school will give reasonable consideration to such recommendations (seeking Human Resources and Occupational Health advice) where it is stated that the employee is fit to return to work if certain amendments can be made. However where the school determines that it is unable to make the adjustments, this should be explained to the employee and the employee will remain sick in accordance with the fit note. The employee does not need to return to the doctor to confirm this.
- 3.17 Where the doctor recommends reduced hours, where agreed, these should usually be for a maximum of four weeks and the employee should be able to perform approximately 60% of their job from week one with weekly increments up to their full hours and duties in the fourth week. Advice should be sought from HR or Occupational Health.

#### **4. RETURN TO WORK DISCUSSION**

- 4.1 A Return to Work discussion should be conducted with every employee on the day they return to work, or as near as possible thereafter, in order to review the absence with the employee. Before the commencement of the meeting acquaint yourself with the employee's most recent sickness absence record and historical sickness absence.
- 4.2 The majority of discussions will be quick and straightforward but are a vital part in managing absence and improving attendance.
- 4.3 The meeting will be to welcome the employee back to work and acknowledge the individual's illness. It also provides the opportunity to discuss any additional support required and any measures which may assist the employee in their return to work and to improve their attendance where necessary.
- 4.4 At the meeting, the following points should be taken into consideration:
- Establish the reasons for absence and anything which may help to avoid a reoccurrence of the absence.
  - Discuss any temporary adaptations to the duties where this is suggested on the Fit Note. Consider any adjustments for disability in accordance with the Equality Act 2010.
  - Consider whether a referral to Occupational Health is necessary.
  - Explain the impact of the absence on the workload within the school where necessary. This would be particularly relevant where the employee has persistent short-term sickness absence.
  - Ask the employee to complete the Self-certification form where required.
  - Where the employee is serving a probationary period, this should be linked to the probationary review process.
  - Record the date and details of the discussion using the Return to Work form at Appendix 12 and keep a copy on the employee's file.

#### **5. MONITORING SICKNESS ABSENCE**

- 5.1 Absence levels must be monitored and recorded for all employees. Accurate and consistent recording of all absences is a pre-requisite of fair and effective absence management.
- 5.2 The Headteacher or designated senior member of staff must ensure that appropriate records of employee sickness absence are kept, and that absenteeism is reviewed on a regular basis. This will allow the Headteacher or designated senior member of staff to identify patterns and frequency of absence as well as long term absence. Accurate records will also be essential should there be a need for formal action. Statistics may be used to inform the governing body at regular intervals, without referring to individuals by name.
- 5.3 It is the responsibility of the Headteacher or designated senior member of staff to monitor absence levels and take further action as necessary when trigger points are reached and/or where there are concerns about an employee's absence levels. It should be noted that each case should be dealt with according to its circumstances.

- 5.4 Trigger levels should be set by the school in order to determine when sickness absence becomes a matter for further investigation and to identify any support required. The suggested trigger levels apply to both short and long term absence. Short term absence may be typified by the frequency of absences, rather than total number of days.

For the purposes of this procedure the 'trigger levels' are suggested as:

- 7 working days absence during a term or rolling 13 week period
- 3 occasions of absence of any duration in the equivalent of a term
- When cumulative absence is 12 days over a rolling year or the equivalent of three terms or as soon as triggered
- 5 occasions of absence of any duration in the equivalent of three terms or as soon as triggered within that period

In some situations, it may be appropriate to make an adjustment to the above triggers as a result of an employee's medical condition or disability. If a staff member believes that the trigger levels described above are not appropriate due to their medical situation, the Headteacher, or designated senior member of staff, should contact Occupational Health for professional advice before making any adjustments to their trigger levels.

### **Disabled Employees**

- 5.5 The Headteacher or designated senior member of staff should be alert to the possibility that absence may be as a result of a disability, and consider getting further advice from Occupational Health or HR where this is the case. This could be as a result of a change in the impact of a disability on an employee's work or that an existing employee has acquired a disability during their working life. Managers should be aware that a key requirement of the Equality Act 2010 is for employers to make "reasonable adjustment/s" to enable the disabled employee to work by seeking to remove obstacles or barriers which may disadvantage them in the workplace.

## **6. RIGHT TO BE ACCOMPANIED**

- 6.1 The employee may be represented/accompanied at the meetings and hearings within the formal procedure by an accredited trade union representative or work colleague, and should be informed of this. A trade union representative who is not an employed official must have been certified by their trades union as being competent to accompany the worker. (It is the employee's responsibility to check with their trades union that their chosen representative has been certified as competent).
- 6.2 If the employee is accompanied by a trades union representative or work colleague, that 'companion' will be allowed to address the meeting and to confer with the employee. However the companion does not have the right to answer questions on the employee's behalf, address the meeting if the employee does not wish it or prevent the employee from explaining their case.

6.3 To exercise the right to be accompanied, employees must make a reasonable request. It will not normally be reasonable for employees to insist on being accompanied by a companion whose presence would prejudice the meeting or by a companion whose lack of availability would delay the proceedings unnecessarily, if someone suitable and willing was more readily available.

## **7. ATTENDANCE REVIEW MEETING**

7.1 This informal stage applies where the employee has met one of the trigger levels set out above, thus requiring immediate investigation.

7.2 This investigation should be done in the form of a meeting. The employee should be informed in writing of the Attendance Review Meeting and the date and time of the meeting. See Appendix 4. If the employee is unable to attend, providing a reasonable explanation for their unavailability, they should be offered one alternative date. Failure to attend could result in a written statement of concern about absence levels and a review period being set in their absence. Wherever possible, employees should seek to attend in order that account can be taken of representations which they wish to make. If this is not possible, an employee may call upon the advice of a trade union representative or work colleague and/or make a written submission.

7.3 The meeting should be a two-way discussion, which serves to highlight the acceptable level of attendance and explore the reasons for, and possible remedies to, the situation. The school may provide a notetaker for this meeting.

### **7.4 Conducting the Attendance Review Meeting**

- The interview should take place in a venue which is private and free from interruptions.
- Gather all relevant information from the records for referral at the meeting.
- Ask how the employee is feeling
- Discuss the reason for sickness absence. This should be a thorough exchange of information, which actively seeks the views of the employee.
- Explain the effect of the employee's absence on the school and colleagues
- Discuss steps the employee is taking to reduce absence/facilitate their return to work
- Explore ways in which a return to work and/or the employee's attendance can be improved and maintained, including any disability-related adjustments where this is relevant
- Discuss a likely date for a return to work (where employee not in work)
- Discuss a referral to/feedback from Occupation Health if applicable
- Agree a period of review and set a clear target for attendance during this review period, including a date for a return to work (where the employee has not returned to work). The period of review will usually be a period of three months but may be shorter where appropriate and consideration may be given to the number of weeks school closure periods that fall during the period of review.
- Ensure the individual understands what is expected of them in the future

7.5 On completion of the meeting, make a note of all the details and the review period and target that were set. This information is important as it will be needed to establish whether

a significant improvement has occurred. See appendix 5 Record of Attendance Review Meeting. This letter makes clear that improvement must be maintained for twelve months following the Attendance Review meeting.

7.6 It is important to ensure that attendance is reviewed at the end of the review period, regardless of whether or not there has been any improvement, and that either further action is taken or that satisfactory improvement is recorded. Appendix 7 can be used as a model letter to advise that attendance has improved to a satisfactory level and must be maintained. Decisions taken at this review stage should not be regarded as a rigid procedure, but may need to be adapted according to the individual circumstances. However in most cases the actions and stages set out below will provide a reasonable framework.

#### 7.7 **Occupational Health Advice**

Where an employee's sickness absence is giving cause for concern, the employee can be referred at any stage to the school's Occupational Health Adviser. In the cases of long term absence, a referral should always be made where absence has continued for a period exceeding four weeks and appears likely to continue. Further advice on this referral can be obtained from the school's Human Resources team. Occupational Health will provide advice on the nature of the illness, how soon the employee is likely to be fit for work, likely future treatment and any adjustments that may be appropriate. This advice should be used to inform any review with the employee.

7.8 The referral form at Appendix 3 should be used to make a referral to Occupational Health.

### 8. **FIRST FORMAL REVIEW**

8.1 Where the above stage does not achieve the required improvement in attendance as set out in the targets set at the Attendance Review meeting, or during the 12 months following the Attendance Review meeting, a First Formal Review meeting will be arranged.

8.2 It is advised that the school seek up to date medical/Occupational Health information, if appropriate, prior to the First Formal Review.

8.3 The employee should be informed in writing (See Appendix 6) of the date and time of the review meeting. If the employee is unable to attend, providing a reasonable explanation for their unavailability, there will be one further attempt to organise the meeting. Failure to attend could result in a decision being taken in the employee's absence. If the employee does not feel able to attend to the meeting they may request a trade union representative or work colleague attend on your behalf or may make a written submission.

8.4 The purpose of the meeting will be to:

- find out how the employee is feeling
- inform the employee that their sickness absence remains unsatisfactory

- make reference to the Attendance Review meeting and the number of and/or length of absence since then. Give the employee the opportunity to respond accordingly upon the continued poor work attendance and provide details of any steps they are taking to reduce absence/facilitate a return to work
- continue to discuss the reasons for absence and any underlying reasons for sickness
- advise the employee of the service and cost implications of his or her absence
- discuss practical steps which may be taken to improve the employee's attendance level or facilitate a return to work. Where relevant, this could include modifications to duties or redeployment to a suitable post if available within school.
- arrange a referral to Occupational Health if no referral has previously been made
- make the employee aware that if there is no improvement, then consideration may have to be given to the continued employment of the employee in that job
- give a warning advising the employee that failure to improve attendance in line with the targets agreed during this period of review may result in further action being taken under the School's Sickness Absence Procedure which could result in their dismissal. The warning will remain in place for one year and attendance will remain under review for this period. At any point during this review period, the matter could progress to a Second Formal Review should an unsatisfactory level of absence, as per the school's trigger levels, recur. (In exceptional circumstances, it may be appropriate to revert to a First Formal Review.)
- agree a period of review and set a target for improved attendance. Ensure the individual understands what is expected of them in the future. The target set will be between 1 and 3 months, or to return at the end of an employee's current sickness certificate.

The review period will start from the date of the first formal review meeting irrespective of whether the employee is currently signed off sick or in work.

- 8.5 The outcome of the meeting must be confirmed in writing, within 7 calendar days. See Appendix 8.
- 8.6 The situation should be reviewed at the end of the review period. From the results of regular monitoring, where the employee's attendance has improved during the review period, he/she should be advised that it is expected that the improvement is maintained. This may be confirmed with the employee using letter at Appendix 7.

## **9. SECOND FORMAL REVIEW**

- 9.1 Where an employee fails to meet the target set at the First Formal Review stage, a Second Formal Review meeting may be arranged. This meeting will be with the Headteacher. If it is

the Headteacher that is being managed for sickness absence, this meeting will be with members of the Governing Body.

- 9.2 A Second Formal Review could be required where the employee has failed to return to work or has not achieved an acceptable level of attendance in spite of a warning, either during the monitoring period set at the First Formal Review meeting, or within the 12 months following the First Formal Review meeting. The meeting will constitute a formal hearing where dismissal is a possible outcome.
- 9.3 The precise timing of the Second Formal Review will depend on the circumstances of the individual case. In exceptional circumstances, it may be necessary to meet to extend the period of review set at the First Formal Review. In other situations, where the absence has continued at a rate which has hit the target set at the First Formal review meeting, the individual may be invited to a Second Formal Review meeting before the set review date.
- 9.4 Up to date medical/Occupational Health information should be sought prior to arranging the Second Formal Review meeting. Advice should be sought from the School's Human Resources team.
- 9.5 At the Second Formal Review meeting the reasons for the absence must be investigated and considered. It is therefore essential that as much information as possible is gathered to inform the meeting. This will involve assembling the following information:
- length and dates of absence
  - reasons for each absence
  - impact on the workload and disruption to the school
  - outcomes of the Attendance Review and First Formal Review meetings
  - previous attendance records detailing total days sickness absence, periods and patterns of absence
  - further medical advice to ascertain whether there is an underlying medical cause for the absence. See the Occupational health referral form Appendix 3. Sufficient detail of the employee's job, reasons for absence and the availability or lack of alternative employment for the employee should be provided to Occupational Health in order that their opinion is given in the correct context. If an approach is made to the employee's own medical practitioner, it can only be made by the Occupational Health adviser, with the employee's consent.
- 9.6 The employee should be informed in writing of the date and time of the Second Formal Review meeting, giving 14 calendar days notice. See Appendix 9. A contents page outlining the information that should be provided to the employee can be found at appendix 13. If they are unable to attend on this date, and provides a reasonable explanation for this, the employee should be offered one alternative date. Failure to attend could result in a decision being taken in the employee's absence. Wherever possible, employees should seek to attend in order that account can be taken of representations which they wish to make. If this

is not possible, an employee may call upon the advice of a trade union representative or work colleague and/or make a written submission. The review meeting must be held by the Headteacher where dismissal is a potential outcome.

- 9.7 Paperwork to inform the Second Formal Review meeting will be sent to the employee, and the Headteacher, at least 7 days before the meeting. Should the employee wish to submit any documentation to inform the meeting, this should be sent to the Headteacher and the reviewing manager at least 7 calendar days before the hearing. This documentation may include any medical advice or information that they wish to be considered at the meeting.
- 9.8 The procedure to be followed at the Second Formal Review meeting is at Appendix 2.
- 9.9 At the Second Formal Review meeting, the Headteacher will be advised by a representative of the Director of People. For a Trust, the Headteacher may be supported by a member of the Trust, as per their Scheme of Delegation. Occupational Health may be invited to attend the meeting to provide further information where required. In most cases, this will be provided in writing ahead of the meeting.
- 9.10 At the meeting, the Headteacher, , will consider all available information and relevant factors to decide on the action to be taken. This will include consideration of whether or not to dismiss the employee on the grounds of his/her continued absence(s), following a warning.
- In exceptional circumstances, the Second Formal Review meeting may be reconvened following a further period of review set by the Headteacher, for example where a return to work appears likely following an operation.
- 9.11 The outcome of the meeting will be confirmed to the employee within 7 calendar days. See Appendix 10. A possible outcome of the meeting is dismissal.
- 9.12 Where it is concluded that the employee's attendance has improved to an acceptable level, he or she will be advised that it is expected that the improved attendance be maintained or the procedure will be invoked again. This will be at the Second Formal Review Stage if deterioration is within a year of the meeting.

## 10. **APPEAL**

- 10.1 Should the employee wish to appeal against the sanction he/she should submit this in writing, to the chair of governors, within 7 calendar days of receipt of notification.
- 10.2 The appeals committee of the governing body shall convene a hearing as early as possible. See letter at Appendix 11. The committee will consider all medical evidence available, with the support of representation for the Director of People for community schools, or for a Trust as per their Trust scheme of delegation, and the representations of the employee, who may be accompanied by a trade union representative or work colleague.

- 10.3 The decision of the appeals committee will be confirmed to the employee, in writing, within 7 calendar days of the appeal hearing. For community schools, governing body will advise the LA of any requirement to dismiss at the same time.
- 10.4 The decision of the committee will be binding. There is no further recourse beyond the appeals committee of the governing body.
- 10.5 In the case of a teacher who has not applied for ill health retirement, the LA/School/Trust will submit appropriate documentation to Teachers Pensions if requested to support retirement from teaching on ill health grounds, subject to authorisation of the Occupational Health Adviser.

## 11. GENERAL INFORMATION

- 11.1 An employee who is absent from work due to ill-health is expected:
- To be at home and available to be contacted by the School or Occupational Health or Human Resources as appropriate
  - Not to undertake any activity inconsistent with their illness or recovery
  - Not to go on holiday without requesting permission from the Headteacher
  - To attend any appointments with the school's Occupational Health Adviser
- 11.2 An employee's failure to comply with a referral to the school's Occupational Health Adviser without good reason or any other breach of the procedure could be regarded as misconduct.
- 11.3 Redeployment to another role within the School can be considered at any stage of the procedure where the nature of the sickness absence means this is a suitable option. Occupational Health must advise on whether this would be a suitable option. This is unlikely to be recommended until the later stages of the procedure have been reached.
- 11.4 Employees are required to follow the leave of absence procedure when needing to attend medical appointments during their working hours.

### 11.5 Accidents at Work / Notifiable Industrial Diseases

Absences as a result of accidents at work are covered by this procedure and are included in the school's sickness absence statistics.

Where an incident occurs at work, all managers are required to investigate the incident and assess whether it meets the definition of the RIDDOR Regulations (Reporting of Diseases, Dangerous Occurrences Regulations). The same is true of any notifiable occupational disease as prescribed under RIDDOR. Further details can be obtained from the Council's Health and Safety Adviser.

Advice should be sought from Human Resources where any sickness absence case involves absence relating to accidents and work or a notifiable industrial disease.

## 11.6 Pregnancy Related Absence

All sickness absence during a woman's pregnancy, pregnancy related or not, should be recorded as Sick Leave in the usual way. However, pregnancy related absences are not included as part of sickness monitoring. Pregnant employees are entitled to paid time off for antenatal care, (evidence of appointments should be provided), and should be recorded as antenatal time off.

This policy will be monitored and reviewed by the Governing Body on an annual basis.

Policy updated: October 2019

Staff responsible: Sally Bacon

This policy was ratified by the Governing body on: 30 October 2019

Signed on behalf of the Governing Body: \_\_\_\_\_(signature)

\_\_\_\_\_(printed)

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## Occupational Sick Pay

## Appendix 1

During a period of sickness absence, employees are entitled to occupational sick pay as follows:

### 1.1.1 Teaching Staff

During the first year of service:	full-pay for 25 working days and, after completing four calendar months half-pay for 50 working days.
During the second year of service:	full pay for 50 working days, half pay for 50 working days.
During the third year of service:	full pay for 75 working days, half pay for 75 working days.
During the fourth and successive years:	full-pay for 100 working days, half pay for 100 working days.

Days are aggregated in any one financial year. A new entitlement starts on 1 April provided the employee has returned to work in the new financial year.

### 1.1.2 Non-teaching Staff

During the first year of service:	1 month's full pay and, after completing 4 months service, 2 months' half-pay.
During the second year of service:	2 months' full-pay and 2 months' half-pay.
During the third year of service:	4 months' full-pay and 4 months' half-pay.
During the fourth and fifth years of service:	5 months' full-pay and 5 months' half-pay.
After 5 years service:	6 months' full-pay and 6 months' half pay.

Days are calculated over a rolling 12 months.

**PROCEDURE TO BE FOLLOWED AT HEARINGS (SECOND FORMAL REVIEW)**

**Presentation of the Case against the Employee**

- (a) The designated senior member of staff, Headteacher or representative of the personnel committee makes an opening address outlining the case.
- (b) The designated senior member of staff, Headteacher or representative of the personnel committee will submit any medical evidence available.
- (c) The designated senior member of staff, Headteacher or representative of the personnel committee calls witnesses, if any, so that taking each one in turn:
- (d) he/she questions each witness,
- (e) the member of staff or his/her companion has the opportunity to put questions to each witness,
- (f) the designated senior member of staff, Headteacher or representative of the personnel committee may clarify any issues by further questions to the witness,
- (g) the member of the governing body have the opportunity to question each witness,
- (h) each witness withdraws after giving evidence.

**Presentation of the Employee's Case**

- (a) The member of staff or his/her companion makes an opening address outlining his/her case.
- (b) The member of staff or his/her companion will submit any medical evidence available to him/her.
- (c) The member of staff or his/her companion calls his/her witness, if any, so that taking each one in turn:
- (d) he/she questions each witness,
- (e) the designated senior member of staff, Headteacher or representative of the personnel committee has the opportunity to put questions to each witness,
- (f) the member of staff or his/her companion has the opportunity to clarify any issues by further questions to the witness,
- (g) the members of the governing body have the opportunity to question each witness.
- (h) each witness withdraws after giving evidence.

## **Summing Up and Withdrawal**

- (a) The Headteacher or representative of the personnel committee and the member of staff, or his/her companion, have the opportunity to sum up their case if they so wish, the member of staff to have the last word.
- (b) Both parties then withdraw.

## **The Decision**

- (a) The Headteacher/personnel committee of the governing body, with the Director of Children and Learning or his representative if either is in attendance, are to deliberate in private, only recalling the parties to clear points of uncertainty on evidence already given. The committee shall consider the evidence, the representations and any other medical evidence available, including such evidence which has been furnished in confidence. If recall is necessary both parties are to return even if only one is concerned with the point giving rise to doubt.
- (b) The decision will be announced at the close of the hearing whenever possible. The Headteacher, chairperson of the committee or governing body, as appropriate, will confirm the decision in writing within seven days of the decision.

## **Check list for considerations at the Hearing:**

The Headteacher will need to take into account all relevant factors. In making a decision the Headteacher/personnel committee may wish to give consideration to the following factors:

- The reasons for absence and the employee's absence record
- The need for the employee's work to be done and impact on the school, including the effect on other employees.
- Any recent improvement/or reasons for the lack of improvement.
- Advice received from the Occupational Health Adviser or medical information from the employees GP or Consultant.
- Any equalities issues e.g. are these absences disability related?
- Any work-related issues - this may include levels of overtime worked or type of duties undertaken.
- The employee's length of service
- Statutory requirements in relation to teachers
- How long the Headteacher can reasonably be expected to wait for the employee's return (including possibility and viability of obtaining a temporary replacement for the sick employee).
- Whether the individual is likely to return and be able to resume the full duties of the post, and if so an estimate of when;

- Where appropriate, has consideration been given to whether any reasonable adjustment to the role is required/practical?
- If the individual is unfit to carry out the duties of the post, has consideration been given to whether redeployment would be appropriate, if available within the school?

## **PROCEDURE TO BE FOLLOWED AT APPEAL HEARINGS**

### **Presentation of the Employee's Case**

- (a) The member of staff or his/her companion makes an opening address outlining his/her case.
- (b) The member of staff or his/her companion will submit any medical evidence available to him/her.
- (c) The member of staff or his/her companion calls his/her witness, if any, so that taking each one in turn:
- (d) he/she questions each witness,
- (e) the designated senior member of staff, Headteacher or representative of the personnel committee has the opportunity to put questions to each witness,
- (f) the member of staff or his/her companion has the opportunity to clarify any issues by further questions to the witness,
- (g) the members of the governing body have the opportunity to question each witness.
- (h) each witness withdraws after giving evidence.

### **Presentation of the Case against the Employee**

- (a) The designated senior member of staff, Headteacher or representative of the personnel committee makes an opening address outlining the case.
- (b) The designated senior member of staff, Headteacher or representative of the personnel committee will submit any medical evidence available.
- (c) The designated senior member of staff, Headteacher or representative of the personnel committee calls witnesses, if any, so that taking each one in turn:
- (d) he/she questions each witness,
- (e) the member of staff or his/her companion has the opportunity to put questions to each witness,
- (f) the designated senior member of staff, Headteacher or representative of the personnel committee may clarify any issues by further questions to the witness,
- (g) the member of the governing body have the opportunity to question each witness,
- (h) each witness withdraws after giving evidence.

## The Decision

- (a) The appeal committee of the governing body, with the Director of Children and Learning or his representative if either is in attendance, are to deliberate in private, only recalling the parties to clear points of uncertainty on evidence already given. The committee shall consider the evidence, the representations and any other medical evidence available, including such evidence which has been furnished in confidence. If recall is necessary both parties are to return even if only one is concerned with the point giving rise to doubt.
  
- (b) The decision will be announced at the close of the appeal hearing whenever possible. The Headteacher, chairperson of the committee or governing body, as appropriate, will confirm the decision in writing within seven days of the decision.

**REFERRAL TO OCCUPATIONAL HEALTH**

Consider referring an employee to Occupational Health when:

- continuous absence exceeds four weeks and your discussions with the employee during the Attendance Review Meeting indicate that it seems likely to continue for a lengthy or indeterminate time - and in all cases before continuous absence exceeds six months.
- an employee fails to return following pre-planned absence (operation/treatments etc)
- following a First Formal Review Meeting
- advice is needed concerning an employee unable to undertake full duties of substantive post.
- advice is needed concerning reasonable adjustments/amendments under the Equality Act 2010

**REFERRAL TO OCCUPATIONAL HEALTH**

Relevant senior manager to complete and sign the form below for all employees they wish to refer to Occupational Health.

**Please note that incomplete forms, or without relevant information attached, will be returned to the school.** Therefore, please ensure that the attached Checklist is complete.

It is the school’s responsibility to inform the employee of the referral.

-----

**School:**

**School Telephone Number:**

**Name and contact details (including email) for the Manager to whom the Occupational Health report should be sent:**

.....

**Employee Name: (Mr/Mrs/Miss/Ms)**

**Employee Address:**

**Employee Telephone Number:**

**Date of Birth:**

**Post Title:**

Date Most Recent/Current Absence began:

Date returned (if applicable)

Reason Given on Certificate for Most Recent/Current Absence:

Details of all relevant contact made with employee:

*(Include details of any meetings, indicate whether held under Sickness Absence Procedure e.g. Attendance Review meeting etc., include details of any relevant conversations, include dates of both and please attach a copy of any notes taken, including targets set)*

**Notes and outcome letters for all sickness meetings must be provided with the referral form.**

**Please note that failure to provide these may delay the referral process.**

Any further information you think may be relevant:

Brief description of job and responsibilities:

Health & Safety Hazards and Risks: Please mark X

	Risk Factor		
	High	Medium	Low
Manual Handling			
Physical Activity/Exertion			
Physical/Environmental Hazards			
Chemical Hazards			
Driving			
Display Screen Equipment			
Long Periods of Sitting			
Exposure to Physical Abuse			
Exposure to Verbal Abuse			

Any additional risks not covered in the above table:




-----  
**I confirm that all of the information required to make a referral is attached. The employee has been advised that an appointment will be arranged with Occupational Health.**

**Manager (managing the employee's absence)'s Name:**

.....

**Signed:..... Manager Dated.....**

**Additional Comments**

## ABSENCE MONITORING

### APPENDIX 4

#### INVITATION TO AN ATTENDANCE REVIEW MEETING

I am pleased you are now fit to return to work/I am sorry you are still unwell and hope you are beginning to feel better\*.I need to write to you because your recent absence means you have hit the trigger levels for me to meet with you.

I would, therefore, like to meet with you to discuss your sickness absence. This meeting is an informal attendance review meeting in accordance with paragraph seven of the school's Sickness Absence Procedure (copy attached/already supplied to you\*).

At the meeting we will discuss the number of absences and the reasons for the absence. We will explore with you whether a referral to Occupational Health would be of benefit and explore whether there is anything the school can do to support you in reducing the number of absences.

At the meeting we will agree a date to review your sickness absence record and agree future actions and any level of improvement expected.

You are entitled to be accompanied to the meeting by a trades union representative or work colleague ('a companion').

Should you not be well enough to attend, able to send a 'companion' or decide not to make a written submission, then I advise you that your absence record may be considered in your absence and any relevant action taken in accordance with the procedure. You may submit written information for my/our\* consideration.

The meeting has been arranged to take place at **TIME**, on **DATE**, at **VENUE**. **(I shall be accompanied by \_\_\_\_\_)\***. I do hope you are able to attend. Please confirm your attendance and/or representation and/or intention to supply written information by **DATE**.

\* delete as appropriate

## ABSENCE MONITORING

## APPENDIX 5

### RECORD OF ATTENDANCE REVIEW MEETING

This letter summaries the discussion we had at the Attendance Review Meeting on **DATE**.

At this meeting we discussed your sickness absence over the past \_\_\_\_\_ months, summarised as follows:

#### \*LIST DATES OF AND REASONS FOR ABSENCE

*\*\* (Under each of the headings/topics below insert contents of conversation in relation to this – then delete this sentence from letter)*

#### RECORD HOW THE EMPLOYEE IS FEELING

#### RECORD STEPS EMPLOYEE TAKING TO REDUCE ABSENCE/FACILIAE RETURN TO WORK

#### RECORD REFERRAL TO/FEEDBACK FROM OCCUPATIONAL HEALTH IF APPLICABLE (see appendix 3)

#### RECORD ANY ADJUSTMENTS AGREED

#### ANY ADDITIONAL INFORMATION DISCUSSED

The detrimental impact of your absence on pupils, teaching and learning, colleagues and school resources was emphasised. I made it clear that the school could not continue to sustain sickness absence at this level, and that further absence could result in a more formal meeting under the procedure.

*Delete if school does not buy into OH EAP service*

*(May I take this opportunity to remind you that you do have free access to the Health Assured Employee Assistance Programme helpline and counselling service, which the school subscribes to on your behalf. This may be accessed by yourself or your family and the contact number is 0800 030 5182 or you can visit the website [www.healthassured.org](http://www.healthassured.org) )*

#### Target Details

The following targets for your attendance were set as follows: e.g. zero/or no more than x days on x/zero occasions over the next x months.

Your absence record will be reviewed in approximately three months time. Further sickness absence during this period of review may result in us moving to a formal process. The review may take place sooner if the target is not met. Please be advised that should the outcome of the review be that your attendance has reached an acceptable level, your absence will be continue to be monitored under the procedure for 12 months from the date of the Attendance Review meeting. Please be aware that if an unsatisfactory level of absence recurs within the 12 months, a review will take place at the first formal stage of the procedure.

If there is any further, reasonable support the school can give you in order to achieve an improvement in attendance, please do not hesitate to bring it to my attention so that we might explore strategies together.

**INVITATION TO FIRST FORMAL REVIEW MEETING**

I write to request your attendance at a review meeting to consider your sickness absence since our Attendance Review meeting on **DATE**. This meeting is a formal review meeting in accordance with the school's Sickness Absence Procedure (copy attached/already supplied to you\*).

You are entitled to be accompanied to the meeting by a trades union representative or work colleague ('a companion'). Should you not be well enough to attend, or able to send representation, then I advise you that your absence record may be considered in your absence and any relevant action taken in accordance with the procedure.

The meeting has been arranged to take place at **TIME**, on **DATE**, at **VENUE**. **(I shall be accompanied by \_\_\_\_\_)\***. I do hope you are able to attend. Please confirm your attendance and/or representation by **DATE**.

\* delete as appropriate

## ABSENCE MONITORING

### APPENDIX 7

#### **RECORD OF SATISFACTORY FIRST REVIEW\* (following Attendance Review Meeting)\* RECORD OF SATISFACTORY SECOND REVIEW\***

I write to confirm the outcome of the review meeting, held on **DATE**, to consider your attendance at work.

I am pleased to confirm that your attendance at work has now improved to a satisfactory level. It is, of course, very important that this improvement is sustained. In the event that this should not be the case, then the school's sickness absence procedure will again apply. If this is within twelve months of the date of the attendance review meeting/first formal review meeting\*, a meeting under the formal procedure will be convened. However, I hope this will not be necessary.

May I assure you that, should your health again give you cause for concern, or if there is any reasonable support we can give you at any time then please do not hesitate to speak to me.

**\* delete as appropriate**

**RECORD OF FIRST REVIEW MEETING - FORMAL WARNING ISSUED**

I write to confirm the outcome of the review meeting, held on **DATE**, to consider further your attendance at work.

At that meeting we explored your absence since the counselling meeting held on **DATE**. The content of our discussions was as follows:

**\*LIST DATES OF AND REASONS FOR ABSENCE**

**\*\**(Under each of the headings/topics below insert contents of conversation in relation to this – then delete this sentence from letter)***

**RECORD HOW THE EMPLOYEE IS FEELING**

**RECORD STEPS EMPLOYEE TAKING TO REDUCE ABSENCE/FACILIAE RETURN TO WORK**

**RECORD REFERRAL TO/FEEDBACK FROM OCCUPATIONAL HEALTH IF APPLICABLE (see appendix 3)**

**RECORD ANY ADJUSTMENTS AGREED**

**RECORD TARGETS SET**

The following targets for your attendance were set as follows e.g. zero/or no more than **x** days on **x**/zero occasions over the next **x** months.

**ANY ADDITIONAL INFORMATION DISCUSSED**

I explained to you that the school could not continue to sustain this level of absence and its detrimental effect on pupils, colleagues and the school's budget. Accordingly I set a second period of review and your record will again be considered in approximately three months time. The review may take place sooner if triggers are reached. Please be advised that should the outcome of the review be that your attendance has reached an acceptable level, your absence will continue to be monitored under the procedure for the remainder of the 12 month period from the date of the First Review meeting.

This letter constitutes a formal warning that failure to improve attendance in line with the targets agreed during this period of review may result in further action being taken under the School's Sickness Absence Procedure, and could result in your dismissal from post.

I sincerely hope this will not be necessary and I again offer you any reasonable support which may contribute to an improvement in your attendance record. As explained to you, I will be following this up with Occupational Health prior to the second and final review in order to be as fully informed as possible on your health situation.

*Delete if school does not buy into OH EAP service*

*(May I take this opportunity to remind you that you do have free access to the Health Assured Employee Assistance Programme helpline and counselling service, which the school subscribes to on your behalf. This may be accessed by yourself or your family and the contact number is 0800 030 5182 or you can visit the website [www.healthassured.org](http://www.healthassured.org) )*

**INVITATION TO SECOND FORMAL REVIEW – HEARING WITH HEADTEACHER**

I write to confirm the requirement to hold a formal meeting with you under the remit of the school's Sickness Absence Procedure.

This meeting will consider:

1. your absence record since our First Formal Review Meeting on **DATE** which is as follows:

**DATES AND REASONS FOR ABSENCE**

2. your absence record
3. the most up-to-date feedback from Occupational Health, including any GP or other medical reports.
4. your ongoing absence record and causes of concern. I attach a copy of all correspondence and meeting records.
5. the effect and impact of your absence on the school.

A possible outcome of this meeting could be your dismissal from post.

You are entitled to be accompanied by a trades union representative or work colleague ('a companion') to this meeting, or they may attend on your behalf. You are entitled to make a written submission for consideration at the meeting. Should you not be well enough to attend the meeting, the review may proceed in your absence.

The meeting has been arranged to take place at **TIME**, on **DATE**, at **VENUE**. I shall be accompanied by a representative of the Director of Children and Learning, Luton Borough Council (insert name of HR Adviser supporting the Head). **NAME** (insert name of Manager), will attend the meeting to present the evidence collated by the school for consideration, accompanied by **NAME** (HR Adviser supporting the manager).

If you wish to submit any written evidence or documentation and/or call witnesses to support your case at the hearing, this evidence/details must be submitted to me at least seven days prior to the hearing, that is by **DATE**.

If you have any requirements at the meeting in relation to a disability in accordance with the Equality Act 2010, please advise me as soon as possible.

I do hope you are able to attend. Please confirm your attendance and/or representation. Please confirm your attendance, or otherwise, and representation by **DATE**.

**OUTCOME OF SECOND FORMAL REVIEW WITH HEADTEACHER**

I write to confirm the outcome of the ill health hearing, held on **DATE**, at which the following was considered:

1. your absence record since our First Formal Review Meeting on **DATE** which is as follows:

**DATES AND REASONS FOR ABSENCE**

2. your absence record over the previous 12 months
3. the most up-to-date feedback from Occupational Health, including any GP or other medical reports.
4. your ongoing absence record and causes of concern. I attach a copy of all correspondence and meeting records.
5. the effect and impact of your absence on the school.

*Record what was discussed for each point. Ensure that you record both your views and that of the employee. Ensure that the following is specifically recorded.*

**FEEDBACK/RECOMMENDATIONS FROM OCCUPATIONAL HEALTH  
ANY REASONABLE ADJUSTMENTS TRIED/DISCUSSED  
ANY ADDITIONAL INFORMATION DISCUSSED**

I explained that I had listened very carefully to what you had to say today but that, given the level of absence and the steps taken to date to support you to *reduce the level of absence/return to work\**, I consider that the most appropriate outcome of the hearing is your dismissal with notice from your post as **POST TITLE**.

I have notified the LA of this decision and, in accordance with the School Staffing (England) Regulations 2003 they will advise you formally of this decision, in their role as employer\*. *(Not applicable to VA or Foundation Schools).*

You have the right to appeal against this decision. If you wish to do so you should write to \_\_\_\_\_ (insert the name of the C.of G), the Chair of the Governing Body, at \_\_\_\_\_ (insert address for C of G) within 14 calendar days of the date you received this letter.

Any appeal should include any and all issues you have in relation to any aspect of the ill health hearing.

*\*delete as appropriate*

**INVITATION TO APPEAL HEARING**

Further to your letter, registering your appeal against the decision of the hearing panel, I write to advise you that your appeal will be heard on **DATE at TIME at VENUE**.

The Governor Appeal Panel will consist of **Name Surname, Name Surname and Name Surname**. The Panel will be advised by **NAME**, HR Adviser. The management case will be presented by **NAME**, Head teacher and he/she\* will be supported by **NAME**, HR Adviser. There will also be a note taker to take notes of the hearing as a management record.

You are entitled to be represented at the Appeal Hearing by a Trade Union Representative or work colleague of your choice, but it is your responsibility to make the appropriate arrangements. It is recommended that you contact your representative as soon as possible and advise them of the date and time of the hearing.

A complete set of the documentation to be considered at the Appeal Hearing will be sent to you and to the Panel. If there is any paperwork that you wish to refer to during the course of the Appeal, if you have not already done so, you should ensure it is delivered to the School five working days prior to the Appeal Hearing and marked clearly for the attention of XXXXXX.

If you have any requirements in accordance with The Equality Act, please advise me as soon as possible.

Please confirm that you will be attending by informing XXXXXXXX at your earliest convenience.

If you should confirm your attendance and then fail to attend, without reason or for any reason considered unacceptable to the Governors, your appeal will not be heard.

If you have any queries on the content of this letter, please contact me.

Yours sincerely

Name  
Chair of Board of Governors  
(Insert School)

cc  
**Panel & Advisers**

**Officer & HR Adviser**

**Appeal  
Hearing**

RETURN TO WORK MEETING

The information recorded on the form has been collected for the purpose of managing your attendance at work and in order to fulfil our duty of care to all employees. You are entitled to a copy of this form should you wish to receive one.

CONFIDENTIAL

First day of absence \_\_\_\_\_ Date entered on Sims \_\_\_\_\_

Last day of absence \_\_\_\_\_ Date entered on Sims \_\_\_\_\_

Returned to work \_\_\_\_\_ Date entered on Sims \_\_\_\_\_

Total number of working days absent: \_\_\_\_\_

Brief description of sickness/injury \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Did you consult your doctor/hospital? YES/NO  
If yes, provide date seen and details:

Does this absence relate to an accident or violent incident at work? YES/NO

Brief description of exchange  
(please respect requests for confidentiality when completing this form)

Interview by: \_\_\_\_\_ Date: \_\_\_\_\_

Please delete as necessary

**Did the employee say that the absence was due to a disability YES/NO/DON'T KNOW**

**Did the employee say that the absence was pregnancy related YES/NO/DON'T KNOW**

*For long-term absence, please supply dates of contact* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Signed by** \_\_\_\_\_  
**Line Manager**

**Declaration**

I declare that I have not worked during the period of sickness, which I have stated, and that the information given is complete and correct.

I give my express consent for the data on this form to be retained on the School/Council's personal files and computer applications

**Signed by** \_\_\_\_\_  
**Employee**

**Filed on personal file on**            **(date)**

**The data on this form is covered by the Data Protection Act and must be stored securely. It must not be used for any purpose other than sickness monitoring and analysis.**

**Second Formal Hearing with the Headteacher Contents Page**

**Part One**

Job Description

Person Specification

Contract of Employment

**Part Two**

Sickness Absence Procedure

**Part Three**

Attendance Review invite letter

Attendance Review Outcome letter

Attendance Review Notes

Any letter confirming successful monitoring period

First Formal Review invite letter

First Formal Review Outcome letter

First Formal Review Notes

Any letter confirming successful monitoring period

Second Formal Review Invite letter

**Part Four**

Sims Print out of all sickness absence since the sickness absence process commenced

All doctors certificates

All Occupational Health Reports

Any reports from Health and Safety

All return to work forms

**Part Five**

Any other relevant documentation