

Greenshaw Learning Trust Procedure

6 September 2017

This Greenshaw Learning Trust Procedure applies to the Greenshaw Learning Trust as a whole and to all the schools and service units in the Trust, in accordance with and pursuant to the GLT Human Resources Policy. The Greenshaw Learning Trust, including all the schools and services within the Trust, their Trustees, governors and staff, must abide by this GLT Procedure.

The Greenshaw Learning Trust is the single employer of all staff within the Trust's schools and in its central services.

The Greenshaw Learning Trust is committed to providing a safe and healthy working environment for all its employees and to ensuring all employees are treated fairly and consistently. The Trust and all schools and services in the Trust will monitor and manage staff sickness absence in accordance with this Procedure.

It is the responsibility of the local governing body and Headteacher of each school, and the Board of Trustees and Executive Headteacher for Trust central services, to ensure that their school/service and its staff adhere to this Procedure; in implementing this Procedure the local governing body, Headteacher and Trust staff must take account of any advice given to them by the GLT Head of HR the Executive Headteacher and/or Board of Trustees.

This Procedure is subject to the Scheme of Delegation approved for the school or service. If there is any ambiguity or conflict then the Scheme of Delegation and any specific Scheme or alteration or restriction to the Scheme approved by the Board of Trustees takes precedence.

If there is any question or doubt about the interpretation or implementation of this Procedure, the GLT Head of HR should be consulted.

Approval and review:

This Procedure is the responsibility of the GLT Head of HR.

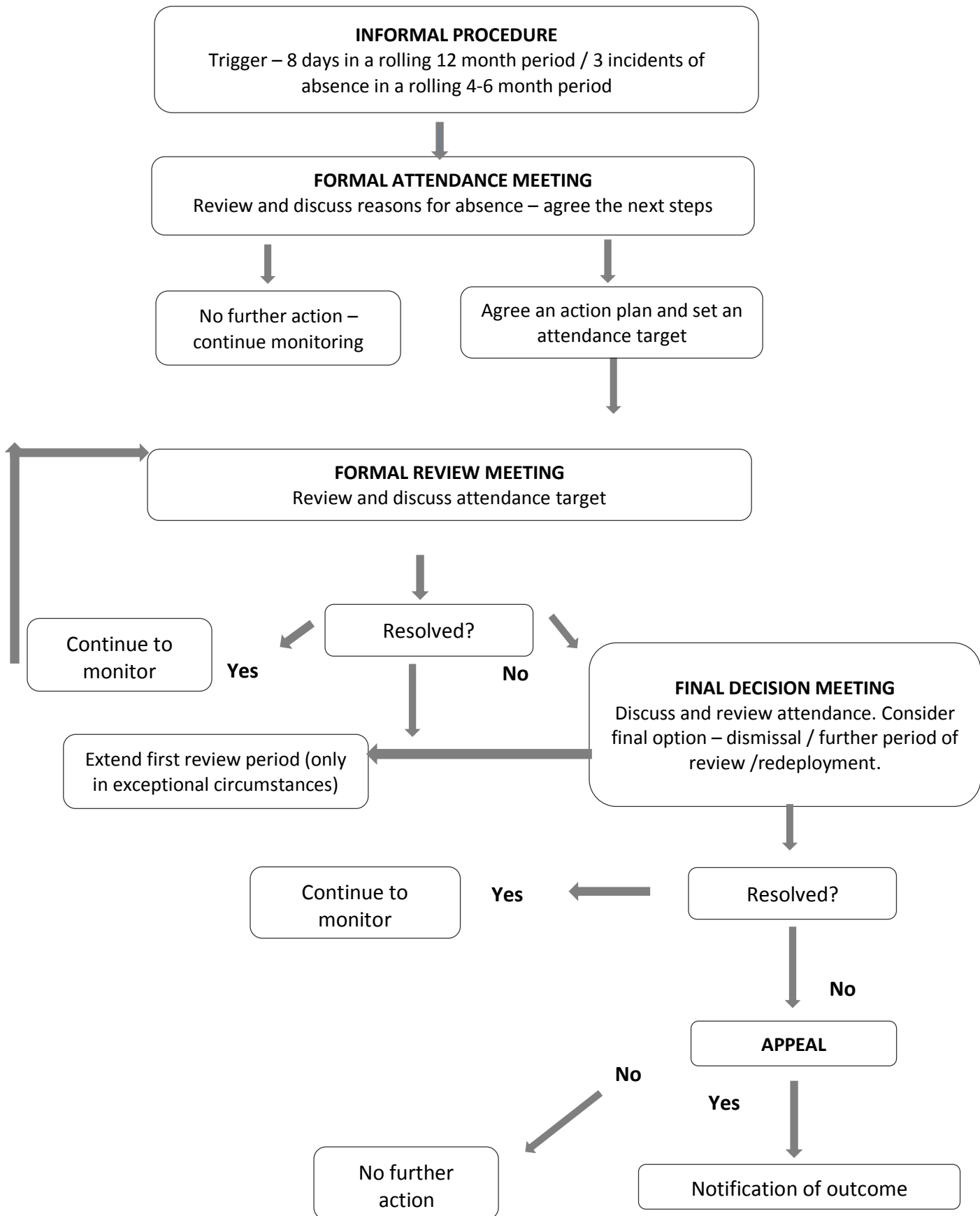
This Procedure was approved by the Board of Trustees on: 6 Sep 2017.

This Procedure is due for review by: September 2020.

This Procedure was approved following consultation with Trade Unions. It will be reviewed from time to time in full consultation with Trade Unions.

The Greenshaw Learning Trust is a charitable company limited by guarantee registered in England & Wales. Company number 7633694, registered office Greenshaw Learning Trust, Grennell Road, Sutton, Surrey, SM1 3DY.

Managing Sickness Absence – Outline Flowchart



Managing Sickness Absence

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Part A - PROCEDURE FOR MANAGING SICKNESS ABSENCE

1. Introduction

The Greenshaw Learning Trust is committed to providing a safe and healthy working environment for all its employees. The Trust recognises that the health and welfare of its employees is key to delivering effective services. Sickness absence has an adverse impact on the efficiency of services provided and affects the workload of other employees.

The Trust requires excellent standards of attendance from all its employees. Prolonged or regular absence through ill health or other reasons prevents this happening and runs counter to its goal of promoting prudent and well-managed schools.

The sickness procedures have been designed to:

- Support employees in achieving good attendance levels.
- Support ill employees in returning to the workplace.
- Enable the Trust/Schools to manage sickness absence effectively.
- Ensure acceptable standards of attendance at work.
- Promote a healthy and safe working environment for all employees.
- Enable a fair and consistent application of the sickness procedures.
- Ensure that employees understand their responsibilities under the procedures.
- Provide high standards of employee wellbeing and provision of support.

Information about any employee's medical or personal situation will be treated with sensitivity and in strict confidence. A breach of confidentiality could result in disciplinary action.

Where an employee does not report for duty and has not notified the school of their absence, this must be considered an emergency situation and every effort must be made to contact the employee without delay, including contacting next of kin where necessary.

This policy will apply to all GLT employees, however where an employee has enhanced entitlements protected under TUPE regulations, these will be adhered to.

In addition to the specific requirements set out in this Procedure, it is recommended that the advice of the GLT Head of HR is sought at all stages of the Procedure. The GLT Head of HR can provide advice on matters of employment law, particularly where there is a possibility of a case being referred to an Employment Tribunal.

If there is any question or doubt about the interpretation or implementation of this Procedure, the GLT Head of HR should be consulted.

Designated persons

- **GLT Head of HR:**
Jenny Cain Email: jcain@greenshaw.co.uk, telephone: 020 8715 1078

- **GLT legal Advisors:**
Stone King. Email: lisasaggers@stoneking.co.uk telephone: 0207 324 3327
- **Clerk to the Trust:**
Email: jadams@greenshawlearningtrust.co.uk telephone: 0208 715 1078

Other appropriate persons in the Trust central service should be contacted via the GLT Head of HR and the Chair of the Board of Trustees should be contacted via the Clerk to the Trust. Each school within the Trust will have a designated School HR Manager and will have their own designated Clerk to the LGB (please refer to the School Headteacher or School Business Manager for further information).

2. Application of the procedure

2.1 This Procedure is drafted to make it directly applicable where there are absence concerns regarding an employee in a school (except the Headteacher), and the responsible persons to carry out the stages are shown as:

- The Informal stage will be carried out by the School HR Manager.
- The First Formal Attendance Meeting will be carried out by the line manager supported by the School HR Manager.
- The First Formal Review Meeting will be carried out by the Line Manager supported by the School HR Manager.
- The Final Decision Meeting will be carried out by the Headteacher (if they have had no previous involvement in the case) supported by the School HR Manager who should inform and seek advice from the GLT Head of HR.
- If the Headteacher has had involvement in the case then a Committee of the Local Governing Body, supported by HR will hear the Final Decision Meeting.
- If the Headteacher has had involvement in the case then a Committee of the Local Governing Body, supported by HR will hear the Final Decision Meeting. In this case the Committee will appoint a Chair from the panel and the appointed member will Chair the Final Decision Meeting.
- An appeal will be heard by an Appeal Committee of the Local Governing Body, supported by the School HR Manager.

Exceptions and Modifications to the Procedure

Where the subject of the Procedure is a person other than an employee in a school, the Procedure will be followed except that the responsible persons shall be read as specified below.

- 2.2** Where there are sickness absence concerns regarding a Headteacher;
- Employee' will be read as 'Headteacher'.
 - 'Line manager' will be read as 'appropriate GLT Director of Education'.
 - 'Senior Leader' will read as 'Executive Headteacher'.
 - 'Headteacher' will be read as 'Chair of the LGB'.

- ‘School HR Manager’ will be read as ‘GLT Head of HR’.
- An appeal will be heard by an Appeal Committee of the Local Governing Body, made up of persons other than the Chair of the Local Governing Body.
- When arranging an Appeal Committee for an appeal, the Clerk must advise the Chair of the Board of Trustees and Trustees must be represented on the committee if the Chair so decides.

2.3 Where there are sickness absence concerns regarding the Executive Headteacher;

- ‘Employee’ will be read as ‘Executive Headteacher’.
- ‘Line manager’ and ‘Headteacher’ will be read as ‘Chair of the Board of Trustees’.
- ‘School HR Manager’ will be read as ‘GLT Head of HR’.
- ‘GLT Head of HR’ will be read as ‘GLT HR Advisors’.
- ‘Appeal Committee of the LGB’ will be read as ‘Appeal Committee of the Board of Trustees’, made up of persons other than the Chair of the Board.
- ‘Clerk to the Local Governing Body’ will be read as ‘Clerk to the Trust’.

2.4 Where there are sickness absence concerns regarding an employee of Central Trust service:

- ‘Headteacher’ will be read as ‘Executive Headteacher’.
- ‘School HR Manager’ will be read as ‘GLT Head of HR’.
- ‘Appeal Committee of the LGB’ will be read as ‘Appeal Committee of the Board of Trustees’.
- ‘Clerk to the Local Governing Body’ will be read as ‘Clerk to the Trust’.

2.4 Where there are sickness absence concerns regarding the School HR Manager:

- ‘Employee’ will be read as ‘School HR Manager’.
- ‘School HR Manager’ will be read as ‘GLT Head of HR’.
- ‘GLT Head of HR’ will be read as ‘GLT HR Advisors’.

2.5 Where there are sickness absence concerns regarding the GLT Head of HR;

- ‘Employee’ will be read as ‘GLT Head of HR’.
- ‘Line manager’ will be read as ‘Director of Resources’.
- ‘Headteacher’ will be read as ‘Executive Headteacher’.
- ‘School HR Manager’ and ‘GLT Head of HR’ will be read as ‘GLT HR Advisors’.
- ‘Appeal Committee of the LGB’ will be read as ‘Appeal Committee of the Board of Trustees’.
- ‘Clerk to the Local Governing Body’ will be read as ‘Clerk to the Trust’.

Timescales and Definition of a Working day

2.7 For the purposes of the operation of this Procedure, timescales are expressed in working days.

For employees who are contracted to work term-time only, a working day should be reckoned as a day that the school is open. . For employees contracted to work all year

round, a working day is defined as Monday to Friday calendar days, except bank holidays.

3. Stage one – Informal

3.1 Return to work meeting

Sickness absence will be regularly monitored and analysed to ensure that appropriate action is taken and that all employees are treated consistently.

Following any period of sickness absence the School HR Manager will meet with the employee on their return to work. The purpose of this meeting is to:

- Welcome the employee back.
- Check employee is fit to return.
- Check whether there are any underlying problems.
- Inform the employee about what has been happening in their absence.
- Consider any adjustments that may need to be made.

The School HR Manager will always take a supportive approach. The meeting should take place at the earliest opportunity after the employee returns to work.

Employees will complete an absence certificate on their first day back from sickness and return it to the School HR Manager.

The School HR Manager is responsible for keeping the sickness absence certificate and fit notes together with any other information about absences on the personnel file and for informing their payroll provider of the period of absence.

Absence should be monitored on a regular and consistent basis. If the following indicator points are reached the procedure will move to Stage Two, a Formal Attendance Meeting.

- i. 8 working days sickness absence from 3 or more separate occasions in a 4 - 6 month rolling period

It is important when setting indicators that they are used consistently across the Trust's workforce. Indicator points will be kept under review and may change.

Sickness absence usually occurs in one of two ways;

Persistent short-term absences; or Long periods of continuous absence. Therefore the appropriate course of action will depend on the circumstances of the case and some flexibility of approach may be needed. School HR Managers should consider the following prior to pursuing formal procedures;

- Persistent short-term sickness absence - Frequent periods of intermittent absence where no underlying medical condition has been diagnosed; or frequent periods of intermittent absence caused by a number of unconnected illnesses.
- Chronic/ Long-term sickness absence - A long period of continuous sickness, or frequent periods of intermittent absence caused by an underlying medical condition.
- Absences for chronic/long-term sickness, which may include absences due to disability in association with domestic or behavioural problems/ as a consequence of domestic violence/ alcohol/drug misuse / as consequence of the working environment.
- Pregnancy related absence

4. Stage Two - Formal

4.1 Formal Attendance Meeting

The Trust has a duty of care towards its employees. Each instance of sickness absence will be treated on its merits. Where an employee's sickness absence causes grounds for concern, or whose absence has reached one of the indicator points, a meeting will be arranged with the employee to investigate the reasons for the concern including any underlying causes. An example of cause for concern might be a pattern of absence, such as regularly being absent on certain days of the week or year.

A Formal Attendance Meeting will be arranged by the School HR Manager as soon as possible; however, at least 5 working days' notice in writing will be given to the employee. As it is a formal meeting notes will be taken.

An employee may be accompanied at the Formal Attendance Meeting by a work colleague, trade union representative, or trade union official. Action under this Procedure will not be allowed to be unreasonably delayed because representatives are not available.

The Formal Attendance Meeting will be chaired by the appropriate senior manager supported by the School HR Manager.

Where the line manager considers the level of absence (or the effect of ill health) to be unacceptable they will:

- Discuss how they can support the employee so that attendance can be maximised.
- Consider if the employee will benefit from additional professional medical advice from Occupational Health.
- Set a review period of up to six working months, during which the employee's attendance (or effect of ill health) will be monitored on a monthly basis.
- In cases where the employee has returned to work, the review period should commence from the date they returned, and not from the date of the formal meeting.
- Set a target for improvement of no more than 3 uncertificated absences in a 3 working month review period. If any absence occurs during this period, the

employee will be required to provide a fit note and the Line Manager will consider the reasons, duration, frequency and pattern of absence before taking further action.

(an additional day's absence due to sickness during this period does not automatically mean a referral to the final stage, although the employee's absence will continue to be monitored)

- Inform the employee that a meeting under the Final Stage will be arranged if, during or at the end of the review period, the required improvement has not been made or if further health concerns arise.
- Formally caution the employee that if the required improvement is not made, a meeting under the Final Stage will be arranged which could lead to the employee's dismissal.
- Maintain a sensitive, supportive manner when dealing with cases of sickness and ill health.

4.2 Review Period

The School HR Manager will continue to monitor and review the employee's attendance against the Performance Improvement Plan.

The decisions/actions decided should be confirmed in writing to the employee by the School HR Manager within 5 working days of the meeting.

4.3 Formal Review Meeting

Where the employee's attendance has shown improvement to an acceptable standard they will be informed of a Formal Review Meeting and advised to maintain an acceptable standard of attendance in the future. If the level of attendance is subsequently not sustained, a subsequent Formal Review Meeting will be arranged with the employee to explore the reasons why and decide if any further action is needed.

If the employee's attendance has not improved to an acceptable standard, this will be discussed with the employee and it will be explained why it is necessary to either:

- i. Move to a Final Attendance Meeting in accordance with this procedure. The employee needs to be advised of the seriousness of this matter in moving to a final stage, which could lead to termination of employment, or
- ii. Exceptionally, extend the review period at 4.2 of this procedure.

5. Final Decision Meeting

The Headteacher must consider the following:

- The reasons for absence have been discussed and considered thoroughly.
- All available options for improvement have been explored.
- A reasonable period of time for improvement has been allowed.

5.1 Arranging the Final Decision Meeting

The final Decision Meeting will be heard by the Headteacher, if they have had no previous involvement in the case. The Headteacher will be supported by the School HR Manager who should inform and seek advice from the GLT Head of HR. In this case, the Headteacher will chair the Final Decision Meeting.

If the Headteacher has had involvement in the case then a Committee of the Local Governing Body, supported by HR will hear the Final Decision Meeting. In this case the Committee will appoint a Chair from the panel and the appointed member will Chair the Final Decision Meeting.

Following these considerations, the Schools HR Manager will arrange a Final Decision Meeting.

The purpose of the Final Decision Meeting is to consider the employee's attendance record and any actions taken to enable the employee to improve their attendance. Support and guidance will be provided by the GLT Head of HR.

The employee will receive an invite to a Final Decision Meeting in writing, giving at least 5 working days' notice of the arrangements for the hearing. The Chair will conduct the hearing and an accurate record will be made. The Chair may adjourn the meeting to carry out further investigations or agree to a reasonable request from either side to adjourn the meeting.

Any relevant medical advice and documentation obtained must be included within the material available at the hearing. If no recent relevant medical advice is available then the school must consider whether any further more up to date information should be sought which may include advice from an independent Specialist Medical Adviser, where appropriate.

5.2 Format for the Final Decision Meeting

The Chair will explain the purpose of the meeting, how it will be conducted and what the outcomes may be.

The case will be presented by the Line Manager based on the circumstances of the individual case and the actions taken to help the employee to improve their attendance.

The employee will have an opportunity to present information on their attendance record and reasons why they have been unable to attend work. The employee has the right to be accompanied by either a work colleague, trade union representative or trade union official. Relevant supporting documentation can be presented and questioned by either side.

The Chair will carefully consider all the information presented and any advice from the GLT Head of HR in reaching a decision.

5.3 Outcomes of Final Decision Meeting

The potential outcomes from a Final Decision Meeting are:

- i. Dismissal.
- ii. Exceptionally, a further period will be identified in which to improve attendance. The review period will be relevant to the circumstances of the case and will not normally be less than 6 weeks or more than 3 months. Attendance will be monitored and reviewed on an ongoing basis and the employee will be given regular feedback. At the conclusion of the further review period a meeting will be arranged to consider what action is necessary, including dismissal on the grounds of capability relating to attendance.
- iii. If the Medical Adviser confirms that redeployment would benefit the employee and enable them to improve their attendance, this should be explored before the employee is dismissed.
- iv. Any other agreed outcome

The decision of the Committee will be given verbally after the meeting and confirmed in writing within 7 working days. The right of appeal will be given.

5.4 Final Review Meeting

If, due to exceptional circumstance, a further period of improvement was set a further Final Review Meeting will be arranged with the Headteacher /Committee. The GLT Head of HR may be asked to attend to provide advice.

The procedure for arranging and conducting the Final Review Meeting will follow the procedure for the Final Decision Meeting as set out in section 5.1 and 5.2.

The potential outcomes from a Final Review Meeting are:

- i. Dismissal.
- ii. If the Medical Adviser confirms that redeployment would benefit the employee and enable them to improve their attendance, this should be explored before the employee is dismissed.

The decision of the Headteacher will be confirmed in writing within 7 working days.

If the decision is dismissal, the employee has the right of appeal.

6. Stage Three – Appeal

6.1 The grounds for appeal against dismissal available to employees include:

- Procedural deficiency.
- Suitability of redeployment opportunities.
- Consideration of appropriate reasonable adjustment.

- New evidence or information has come to light.
- Medical opinion.

6.2 The appeal must be submitted in writing to the Headteacher within 10 school days, setting out the grounds for the appeal. The Headteacher will immediately inform the GLT Head of HR and the Clerk to the LGB.

6.3 The appeal will be heard by a meeting of a Dismissal Appeal Committee of the Local Governing Body.

6.4 On receipt of an appeal from an employee, the Clerk to the Local Governing Body will arrange a meeting of a Dismissal Appeal Committee of the Local Governing Body without unreasonable delay and ideally within 15 working days of the receipt of the letter of appeal.

6.5 The Clerk of the Local Governing Body will establish a Dismissal Appeal Committee of the Local Governing Body by drawing members from the appropriate panel and avoiding conflict of interest.

6.6 The Clerk to the Local Governing Body will notify the employee and Headteacher of the arrangements for the meeting and provide them with copies of all relevant documentation prior to the meeting.

6.7 The Dismissal Appeal Committee of the Local Governing Body will select a chair for the meeting from amongst its members.

6.8 Where an employee's appeal relates to medical grounds, the Chair may be asked to appoint a medical referee assuming that advice from a Specialist Medical Adviser was not obtained or advice is not sufficiently current i.e. the circumstances associated with the original advice may have changed.

6.9 The employee will attend the meeting to present the case, together with their companions. Employees have the right to be accompanied by a work colleague or trade union representative or official at a grievance appeal meeting.

6.10 The employee, Headteacher and their companions will leave the meeting and the Dismissal Appeal Committee of the Local Governing Body will consider the facts and reach their decision.

6.11 The possible outcomes of the appeal meeting are:

- Original decision was deemed appropriate.
- Consider redeployment
- Refer the matter back to repeat the Formal Review as set out in section 4.0

6.12 The employee and the Headteacher will be notified of the outcome of the appeal in writing within 5 working days.

6.13 There is no further right of appeal.

Part B - MANAGING SICKNESS ABSENCE GUIDANCE

1. Other Forms of Authorised Absence

Employees are reminded that any absence must be authorised. If the reasons for absence are not due to illness, the additional leave policy must be adhered to. Failure to follow procedures may result in an absence being treated as unauthorised and may render an employee liable to further action.

The School HR Manager will ensure that all employees are aware of parental leave provisions and additional leave, which are granted at the discretion of the Trust. The additional leave policy gives full details of different types of leave.

2. Disability

A 'disability' is a mental or physical impairment, which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities. The Equality Act 2010 protects people, who have (or have had) such a disability.

The Equality Act 2010 makes it unlawful for an employer to unjustifiably treat a disabled person less favourably than a person who is not disabled for any reason related to the person's disability.

The Act requires employers to consider all reasonable adjustments in the work place which would enable an employee to continue working. At each stage of the process, particular consideration will be given to whether there are reasonable adjustments that could be made to the policy and procedure to assist an individual with a disability.

If you consider that you are affected by a disability or any medical condition which affects your ability to undertake your work, you should inform your line manager or Headteacher / Principal. In addition, consideration will be given to whether there are reasonable adjustments that could be made to the requirements of a job or other aspects of working arrangements that will provide support at work and/or assist a return to work.

3. Absence Due to Contact with Infectious Diseases

If you are advised not to attend school by a medical practitioner because of contact with an infectious disease, you must inform the Headteacher immediately and you will be entitled to receive normal pay. The Burgundy Book at clause 10.1 to 10.3 and the Green Book section 10.9 gives further information on absence due to contact with infectious diseases

4. Medical Suspension

In certain circumstances, where it is felt that you are not fit to attend work, the Headteacher or Chair of Governors may suspend you on medical grounds. Any such suspension will be on full normal pay. Suspension will be lifted, where appropriate, by the Governing Body only after advice has been sought from an Occupational Health Adviser.

5. Health and Safety

The Health and Safety at Work Act 1974 requires all employers to ensure, as far as is reasonably practicable, the health, safety and welfare at work of all employees and to maintain a safe and healthy working environment.

5.1 Accident, Industrial Injury or Assault at Work

The Greenshaw Learning Trust will seek advice from their Health and Safety professional Advisors.

Under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) employers have a legal duty to report:

- major injuries e.g. broken arm;
- accidents leading to an absence of more than 3 days (including non-working days);
- dangerous occurrences e.g. collapse of scaffolding;
- occupational diseases e.g. dermatitis caused through a work activity

Further details can be found in the Trust/Schools Health and Safety Policy.

5.2 Stress at Work

The Trust is committed to developing stress management strategies and support for managers and employees to assist them in recognising the causes of stress and ways to manage it.

Employees should be alert to the signs of stress. Further information is available from the GLT Head of HR.

6 Occupational Health

6.1 Referral to the Medical Adviser

The role of Occupational Health is to advise the school on any medical issues affecting an employee's performance and attendance. If there is concern regarding an employee's health relating to their work and attendance at work, the employee will be referred to the Trust's Occupational Health Service.

Circumstances which may give rise to a referral include:

- Levels of absence.

- An employee's health prompts a review.
- Need to identify if there is an underlying medical condition or disability.
- Need for information and advice about an employee's medical condition.
- Employee raises concerns about their own health and the working environment.
- Accidents in the workplace which may or may not be an industrial injury.
- Return to work following a long term absence.
- Need for information and advice on temporary or permanent adjustments including the suitability of redeployment, which would enable the employee to return to work.
- Need for information and advice on disability and reasonable adjustments.
- Information provided by the Doctor in the fit note.
- The likely duration of an absence and when the employee will be fit to return to work.
- Ill health retirement.

The Trust may refer an employee to the Occupational Health service for up to date information and advice at any stage within these procedures.

Information provided by the Medical Adviser will be used by the school to make an informed decision about an employee's future employment with the school.

6.2 Access to Medical Records

The Access to Medical Records Act 1988 allows individuals to check the accuracy of medical reports prepared by a medical practitioner, who has responsibility for the care of that individual. Employees will be asked to sign a consent form to allow the Medical Adviser to approach the employee's GP or consultant for information. Employees can elect to see any medical report before the Medical Adviser gives advice to the Trust/school based on information contained in the report.

6.3 Making the Referral

The GLT Head of HR is responsible for providing guidance to schools on referrals to the Medical Adviser. The Medical Adviser will need the following information:

- The employee's job description, person specification and a risk assessment which is relevant to the employee's duties and work context including any risk to the individual and school.
- A full record of the employee's absences.
- Any other relevant information including any special needs.
- A copy of the fit note where the Doctor has suggested a phased return or adjustments to be made.

Employees can be required to attend a medical examination by the Trusts Medical Adviser. It is in the interest of employees to attend appointments with the Trust's Medical Adviser. This will enable an informed decision to be made regarding an employee's health and their continued employment with the Trust. If medical information is not available, the Trust will have no choice but to take action in line with the sickness procedures without medical advice

on the employee's future employment. It will only be possible to rearrange the appointment given in exceptional circumstances.

7. Long Term Absence

Long term absence is defined as:

- A specific/unspecific medical condition or illness which is not expected to be permanent but where it is difficult to establish a return date.
- A chronic illness (defined as likely to last more than three months during which it is unlikely that an individual will recover sufficiently to return to their current job)

As a guideline four weeks continuous absence or a recurrence of the same illness totalling six weeks or more over a 12-month period could be considered as long-term absence. A referral to Occupational Health should be actioned as soon as possible.

7.1 Returning to Work from Long-Term Sickness Absence

Greenshaw Learning Trust are committed to helping employees return to work from long-term sickness absence. Before an employee returns from long-term sickness absence, as part of our sickness absence meetings procedure we will meet with the employee to discuss their impending return.

The Trust/ School will, where appropriate and possible, support returns to work by:

- Obtaining medical advice from Occupational Health
- Making reasonable adjustments to the workplace, working practices and working hours.
- Considering 'access to work' arrangements.
- Considering redeployment.
- Agreeing a return to work programme with everyone affected, which could include a phased return; and/or
- Consider funding the reasonable cost of any appropriate short term therapy (e.g. Cognitive Behaviour Therapy)

A union representative may also be used to maintain regular and supportive contact when the situation deems an alternative approach.

Employees experiencing long-term absences will be treated with sensitivity. The trade unions also have an important role to play and it may be helpful for them to be alerted to the long-term absence of a member so that they can give advice, help and support.

It is necessary to remain sympathetic to the employee's condition although it is inevitable at some point that the school's needs effectively override it. However, it is not appropriate to issue warnings to an employee who is off work due to long term sickness.

The employee's absence and medical condition should be reviewed at regular intervals, starting after four weeks of continuous absence. At each review the Headteacher,

supported by the Schools HR Manager should decide on any appropriate action, taking account of a prognosis of the condition and an expected date for a return to work where available. When the recovery from certain types of surgery can be estimated reliably a report from Occupational Health will not be necessary, but where the medical condition is not straightforward then a report should be requested at the earliest opportunity.

A detailed diagnosis of the employee's medical condition may be required or it may be that an assessment of the individual's likely date of return is necessary before action in relation to the individual is decided. Care should be taken to avoid giving the mistaken impression that any referral to Occupational Health means that retirement on grounds of ill health is under consideration. It is important that matters are not allowed to drift and the appearance given that the absence is not being managed. Regular consultation is absolutely essential so that the school is kept aware of the employee's views on the prognosis and how this may affect the employment position.

With the prior agreement of the employee a welfare visit to the employee (at home or at a neutral location) is recommended to ascertain progress and offer support if required. The Headteacher will write to the employee in the first instance, expressing the interest and good wishes of colleagues and asking whether the employee would like a visit. In some cases, for example when an absence is due to a stress-related illness, extra sensitivity is needed in contacting the employee.

Medical information, whether from a doctor's certificate or from Occupational Health, will be essential to discussions about appropriate action. If there is a prognosis of full recovery (for example, after surgery) then the school will await the employee's return. If partial recovery is predicted the employee may be able to resume employment, but may need some adjustments to working arrangements. The academy is required to consider reasonable adjustments if the condition comes within the scope of the Equality Act. Consideration might be given to a reduction in contracted hours, or stepping down to a post of less responsibility, or medical redeployment. If medical information indicates that there is no prospect of the employee becoming fit to return to work in the foreseeable future there should be discussions with the employee or the employee's trade union. These discussions are likely to concentrate on ill-health retirement, but there will be cases in which this may not be a suitable option (such as terminal illness) or cases in which medical practitioners disagree over the permanency of the prognosis. Throughout the discussions the emphasis should be on preserving dignity for the employee at the same time as meeting the needs of the school.

If all other options have been discussed without an agreed acceptable outcome, it may be appropriate to consider whether to instigate a process leading to the termination of employment (i.e. a stage two meeting). This is most likely to occur when the employee has been absent for a year or more, sick pay is due to expire and there seems no prospect of a return in the near future, but the pension authorities do not regard the illness as permanent and refuse ill-health retirement. The Headteacher should take advice from the GLT Head of HR and will need to consider the following factors:

- the views of the employee and in particular the employee's expectation of being able to return to work within a reasonable period of time;
- the nature of the illness;
- medical information and advice, particularly a prognosis and including the length of the absence to date, and the likely length of the continuing absence;
- the effect of the continuing absence on the work which needs to be done.

An employee with a terminal illness or life-threatening degenerative illness where the employee's medical condition is known and will not improve will not be asked to attend sickness absence monitoring interviews. The school will provide support and encouragement to individuals in these circumstances and this could well mean that other meetings, interviews etc. are held at reasonable intervals. However, such action does not form part of a management initiative to reduce sickness absences. The wishes of employees in these cases to keep their circumstances confidential must be respected.

The Trust recognises that there are financial benefits for an employee to remain in employment when diagnosed with a terminal illness. Therefore the Trust will not normally seek to dismiss an employee in these circumstances.

7.2 Keeping in Touch

The School / Trust will maintain regular contact with absent employees. Contact will be handled sensitively and could be in the form of telephone calls, written communication, group newsletters or work or home visits. Home visits will only be undertaken with the employee's agreement. Employees should keep the school informed of their progress and of when they are likely to return to work.

7.3 Obtaining Medical Advice

Where there is consideration to refer an employee to the Trust's Occupational Health Adviser they will explain to the employee the reason for the referral and arrange the referral at the earliest opportunity.

7.4 Review

The Occupational Health Adviser will arrange an appointment for the employee and provide a report with information and advice on their medical condition in relation to their employment.

Following the Occupational Health appointment, the employee will be invited to attend a long-term absence review meeting to share the information received from the Occupational Health Adviser, consult with the employee and to consider whether the continued employment of the employee is reasonable in the circumstances. The GLT Head of HR may be involved.

The options are:

i. Return to Work

- i) The Medical Adviser confirms that the employee will be able to return to work on a specified date
- ii) The Medical Adviser will provide details of any temporary or permanent adjustments which will aid the employees return to work and help their recovery. Consideration to factors such as the employee's access to the workplace and where possible that any reasonable adjustments/arrangements are made to enable this to happen.
- iii) The Medical Adviser may suggest a phased return to work. A phased return to work would be up to a maximum of 6 weeks. If a phased return to work is suggested by the Medical Adviser, this will be discussed with the employee how their phased return to work will be undertaken.

ii. Redeployment/Dismissal

- i) Where the Medical Adviser advises that an employee will be unable to return to their current job for health reasons but is able to perform other duties, the school will make every effort to identify a suitable vacant position.
- ii) The Medical Adviser will provide advice about any restrictions on the type of work which might be considered as a suitable alternative post in the circumstances.
- iii) The possibility of a suitable vacancy across the Trust may be explored.
- iv) A meeting should be arranged with the employee to explore options and complete a skills audit.
- v) Any potentially suitable post should be checked for appropriateness with the Trust's Medical Adviser before an offer is made.
- vi) Where a vacancy is identified and confirmed as suitable by the Medical Adviser, an induction and training plan will be prepared to facilitate the move.
- vii) The Trust will endeavour to find a suitable vacant position within a period of 3 months. The employee will be given their contractual notice at the appropriate time, so that the end of their notice coincides with the end of the 3 month search.
- viii) The most up to date medical advice should be sought.
- ix) If no suitable vacancy is found and dismissal is contemplated on the grounds of capability due to sickness after all avenues have been exhausted, a hearing will be arranged with a Panel who will have had no prior involvement in the case. The GLT Head of HR may attend to give advice.
- x) The employee will be notified in writing giving at least 7 working days' notice of the arrangements for the hearing. The Panel will conduct the hearing and an accurate record will be made.

The employee will receive written confirmation of the outcome, where the outcome is termination of employment, the employee will be given the right of appeal against dismissal

iii. Early Retirement on the Grounds of Ill Health

- i) Where the Trust's Medical Adviser confirms that an employee is permanently unfit to continue in the Trusts' employment or early retirement will be granted with enhanced

pension benefits (assuming that the employee is a member of the Local Government Pension Scheme (LGPS) or Teachers pension scheme TPS)

- ii) It must be confirmed with Pensions Section whether the employee is a member of the LGPS and entitled to benefits.
- iii) Teachers' entitlement to ill health retirement and benefits will be assessed by Teachers' Pensions.

iv. Further Review

- i) If it is considered that dismissal may be appropriate.

(Note: The Trust's Medical Adviser may confirm that an employee may be fit to return to work but not in the foreseeable future and the trust/school cannot cover the absence indefinitely for operational reasons)

- ii) The employee will be requested to attend a further review meeting to consult about his or her medical condition and the effects of the absence on the performance of the contract of employment. A review meeting for long-term absence cases where dismissal is contemplated will not be arranged until at least one review meeting has taken place.

The employee will be invited to make any observations that they feel may be relevant to their case.

8. Further Advice and Guidance

This is available from:

- I. The GLT Head of HR or from GLT HR Advisors.
- II. Employee Assistant Programme (EAP) who can advise on counselling, terminal illness, stress and mental health issues.
- III. Occupational Health Service who can provide advice and information and organise health promotions and health checks.

7. Annual Leave

Employees will accrue statutory annual leave during periods of long-term absence and are entitled to take that leave on their return to work. Account should be taken of the needs of the service when arranging for this leave to be taken. A proportion of the leave in these circumstances may be carried forward to the new leave year or agree to pay accrued leave.

9. Sick Pay

9.1 Sick Pay and Entitlement for Teachers

Within any span of 12 months, commencing 1st April each year, a teacher may receive an occupational sickness allowance in accordance with:

- During 1st year of service - full pay for 25 working days and, after completing 4 calendar months' service, half pay for 50 working days.
- During 2nd year of service - full pay for 50 working days and half pay for 50 working days.
- During 3rd year of service - full pay for 75 working days and half pay for 75 working days.
- During 4th and subsequent years - full pay for 100 working days and half pay for 100 working days.

When calculating sickness entitlement for teachers a working week is classed as Monday to Friday regardless of the hours worked per week. Bank Holidays and School holidays are not included in the calculation.

Further information can be found in the 'Burgundy Book'.

9.2 Sick Pay and Entitlement for Support Staff

Within any span of 12 months, an employee may receive an occupational sickness allowance in accordance with:

- During 1st year of service - 1 month's full pay and, after completing 4 months' service, 2 months' half pay.
- During 2nd year of service - 2 months' full pay and 2 months' half pay.
- During 3rd year of service - 4 months' full pay and 4 months' half pay.
- During 4th & 5th year of service – 5 months' full pay and 5 months' half pay.
- After 5 years – 6 months' full pay and 6 months' half pay.

10. Phased Return to Work

10.1 Occupational sickness allowance during a phased return

Employees who return to work after a period of long term absence will resume full pay during the period of a phased return, usually up to a period of 6 working weeks.

In exceptional circumstances, should an employee require an extended phased return, a temporary contract variation/ contract adjustment may be agreed. The employee's salary will be temporarily adjusted in line with the terms and conditions agreed.

The Trust / School can only agree to vary employee's contracts in agreement with the employee and where it is reasonable to do so, balancing the needs of the Trust and the impact on the education of students.

10.2 Statutory Sick pay during a phased return

If an employee has been absent from work and their GP or Occupational Health professional

has advised that they may return to work on a Phased Return to Work, then SSP can be paid for non- working days, however, there must be at least 4 consecutive days absence.

For example

- If they work 1 day per week, SSP will be paid for the remaining 4 days.
- If they work 2 days per week they would still qualify for SSP but the two days would have to be two consecutive days in order to get the maximum SSP for the remainder of the week. If they work, Monday and Wednesday they would lose 1 days SSP. If they work Monday and Thursday they would not be entitled to SSP as they have not been absent for 4 consecutive days
- If an employee works 3 days per week they would still qualify for SSP for the remaining 2 days but the 3 working days would have to be consecutive again.
- If they work 4 days per week then there is no entitlement to SSP

Part-time, temporary, agency or casual workers may also be entitled to SSP, if all of the qualifying conditions for payment are met.

SSP is payable to individuals for up to a maximum of 28 weeks in any one period of absence.

11 Records and Monitoring

All periods of sickness absence must be recorded accurately and consistently in Sims Personnel and the payroll portal. If a member of staff;

- | | |
|---|---------------------------|
| • Leaves before completing 1.5 hours record as - | 1 day sickness absence |
| • Leaves half way through their normal working day record as | half day sickness absence |
| • Leaves within final hour of their normal working day record as recorded | no absence |

Absence due to medical appointments will be considered as special leave and not sick leave.

All periods of absence will be monitored and the procedure to ensure it is properly implemented and is being applied consistently and fairly.

The GLT Head of HR will ensure that all schools adhere to this policy fairly and consistently.

REPORTING SICKNESS ABSENCE

1. What you should do if you are unable to come to work due to sickness

Greenshaw Learning Trust is committed to providing an effective service and managing absence is essential in achieving this aim.

- If you are unable to come to work because you are sick, you must contact the cover line [] you should telephone yourself and only ask someone to make contact on your behalf in extreme circumstances. We will need to know what is wrong and how long you are likely to be away and how to contact you in the event of an emergency. This will need to be carried out every day unless you have informed up you will be away for a given period.
- If you are absent for more than 7 calendar days you must produce a Doctor's fit note and contact HR again with your expected date of return. You should continue to produce fit notes throughout your period of absence.
- On your return you will be given a Sickness Absence Certificate to complete and return to the School HR Manager.
- The School HR Manager will record the dates and number of working days you are away and the reason why. A record of your sickness absence will be sent to our payroll provider at the end of each month
- If you are expected at work and do not arrive and you haven't contacted the school, a member of staff may contact your home or mobile number to find out if there is a problem. This will be done sensitively,
- Employees who leave part way through the day should do so only after speaking to the School HR Manager or the Cover Manager. Sickness absence will be recorded as follows.

Leaves before completing 1.5 hours	- 1 day sickness absence
Leaves half way through their normal working day	- half day sickness absence
Leaves within final hour of their normal working day	- no absence recorded

- When you return to work the School HR Manager will carry out a return to work meeting, to welcome you back, to check that you are feeling better and tell you about anything that happened while you were away.
- If you come to work but you are considered too ill to carry out your duties, you can be sent home. Your period of absence begins as shown above. If you are still unwell the following day, please report sick as outlined above.
- If you do not report for duty and have not notified the school of your absence, this will be considered an emergency situation and every effort will be made to contact you without delay, including contacting next of kin if necessary.

2. Statement of Fitness for Work (Fit Note)

Schools will normally only accept medical certificates from a GP or hospital. They will accept certificates from other medical practitioners like osteopaths if they are accompanied by a note from the employee's GP confirming that the treatment has been recommended.

You must not alter any certificate issued by your Doctor. Falsification of a Doctor's certificate is a serious disciplinary offence and could result in disciplinary action including dismissal.

A Fit Note is the form that your doctor will give you when your health affects your ability to work

The fit note allows your doctor to provide you with more information on how your condition affects your ability to work. This will help HR to understand how they might be able to help you return to work sooner.

The changes mean that your doctor can:

- advise when you may be fit for work with some support
- suggest common ways to help you return to work
- give information on how your condition will affect what you can do

The fit note can still be used as evidence for why you cannot work due to illness or an injury. You still won't need the fit note as evidence until after your seventh calendar day of sickness.

If you need to apply for benefit the rules and processes have not changed. If your doctor has recommended that you 'may be fit for work' you can still apply for benefit.

When your doctor provides you with a fit note they will advise you on one of two options. Either 'you will be not fit for work' or you 'may be fit for work'.

'Not fit for work'

Your doctor will choose this option when they believe that your health condition will prevent you from working for a stated period of time.

'May be fit for work'

Your doctor will choose this option when they believe that you may be able to return to work while you recover sometimes with adjustments to your working role.

Your doctor may include some comments which will help HR understand how you are affected by your condition. If appropriate, they can also suggest one or more common ways to help you return to work.

This could include:

- a phased return to work - where you may benefit from a gradual increase in your work duties or working hours, for example after an operation or after injury
- altered hours - allowing you the flexibility to start or leave later, for example if you struggle traveling in the rush hour
- amended duties - to take into account your condition, for example removing heavy lifting if you have had a back injury
- changes to your workplace - to take into account your condition, for example allowing you to work on the ground floor if you have problems going up and down stairs
- If your doctor has indicated 'that you 'may be fit for work', the fit note will HR the information needed to begin a discussion on whether you can return to work. HR may consider it necessary to refer you to Occupational Health at this stage (see paragraph 12 for further details)

The outcome of these discussions could be:

- That it is possible for you to return to work.
- That it is not possible for you to return to work at this stage.

Where it is possible for you to return to work the School HR Manager will discuss with you how your return will happen, what support you will receive and for how long and whether your pay will be affected if you return to work on different hours and duties.

Where it is not possible for the School HR Manager to make the adjustments required to help you return to work you will be informed of this and you will not be able to return to work until you have further recovered. You can use the fit note as if your doctor had advised you were 'not fit to work'. You will not need to see your doctor for a new fit note until this one has expired.

If you do not agree with the School HR Manager on when and how you will return to work, you should explain to them why you disagree. There may be issues which your employer was not aware of when they made their decision.

If you are a member of a trade union you may want to ask your union representative to help you with this conversation. The School HR Manager will have your and the school's best interests in mind when coming to a decision and may want to seek further advice from Occupational Health before coming to a final decision.

Appendix B

Insert school logo	ABSENCE CERTIFICATE
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Please complete this form as soon as you return to work and return it to HR

Your co-operation is much appreciated.

Name:	insert school
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First day of Absence :

Last day of Absence: day //

[All days of absence must be entered including those days you would not normally work (i.e. Saturdays, Sundays or rest days)]

I certify that I was unable to attend work for the following reason(s).

:

Absence for reason other than sickness (Please complete a Special Leave Form) :

Is this absence due to an industrial injury or disease? **YES/NO**

I declare that I have not worked during the period of sickness as stated above and that the information is true and accurate to the best of my knowledge. I understand that any false information may result in disciplinary action, including the possibility of dismissal, being taken.

Signed

Date