TOWER HAMLETS

Attendance Management Policy & Procedure

Model policy for schools

EVERY CHANCE for EVERY CHILD

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1. POLICY STATEMENT

1.1 This policy and procedure has been agreed with schools and the relevant trade unions and is primarily intended to support staff whilst enabling schools to manage sickness absence in a way which is fair and consistent and adheres to employment, equalities and education legislation.

1.2 All employees are expected to meet their contractual obligations to attend work on a regular basis and be accountable for their absences. It is understood that everyone may occasionally need time off due to illness, it's important to note that this policy is designed to support staff during genuine sickness. The trigger points set are not meant to be seen as entitlements or goals to reach. They are guidelines to help the school manage and support those who are genuinely unwell. Staff health and well-being is valued and staff are encouraged to take necessary time off when truly needed.

1.3 The school will support and assist staff to maintain good levels of attendance and performance through the application of this policy, effective line management, access to Occupational Health advice, and appropriate health and safety policies and procedures

1.4 If necessary, employment may be fairly and legitimately terminated by the school on the grounds of lack of capability due to ill-health, provided that relevant processes have been correctly followed and, where applicable, the requirements of the Equality Act 2010 and reasonable adjustments have been considered and implemented.

1.5 The employee has a right to be accompanied by a trade union representative or work colleague at any meeting held under the formal stages of this procedure.

2 SCOPE OF THE PROCEDURE

2.1 This procedure applies to all teaching and support staff employed in LBTH community schools under the control of governing bodies on satisfactory completion of their probationary period. Other schools within the local authority may, at the discretion of their governing body, choose to adopt this procedure.

2.2 Probationary staff will be required to follow the procedure for reporting sickness absence as set out in this document. However, the continuance of their contract will be reviewed in the light of their actual attendance, with advice from your HR provider.

2.3 This procedure applies to absence due to an employee's personal sickness or injury. It does not apply to absences connected to the illness or injury of relatives, or to personal hospital, dentist or GP appointments, or for medical screening.

2.4 In community and voluntary-controlled schools, and in maintained nursery schools, the local authority has a statutory entitlement to send a representative to all proceedings relating to the selection or dismissal of any teacher (including the headteacher and deputy headteacher) and offer advice. If the Local Authority decides to send a representative, they must be allowed to attend. Any advice offered as a result must be considered by the governing body (or those to whom the function has been delegated) when reaching a decision.

2.5 The Local Authority provides maintained schools with an indemnity to cover the legal costs and settlements awarded by Employment Tribunals. This indemnity requires that the advice of the Local Authority is always followed in cases which its Human Resources and Legal Teams are involved. This procedure also constitutes advice which schools are always expected to follow. Schools that adopt another policy or make changes to this document, are responsible for ensuring that it complies with all applicable legislation and good practice in managing employee sickness.

3. WELLBEING

3.1 Stress in the workplace can cause high levels of absenteeism. Where employees feel their work is meaningful and they have control over it and they are valued and supported, they tend to have higher wellbeing levels, be more committed to the organisation's goals and they perform better. Headteachers can use the DFE toolkit on workload management Improve workload and wellbeing for school staff - GOV.UK to impact positively on wellbeing.

3.2 Other ways that Headteachers/managers can help address wellbeing:

- Ensure you are familiar with all the strategies which have been developed to tackle the issues of mental wellbeing.
- Encourage a culture of openness about time constraints and workload.
- Use staff meetings to highlight emerging issues which are of concern to staff
- It is important to create a culture where employees feel they can raise concerns with their Headteacher/manager if they feel the demands placed on them are too great.
- Promote a culture of 'working smart, not long', as outlined above
- Ensure that employees' jobs are manageable within the time for which they are contracted

- Audit work environments to identify elements of practice, policy or culture that may be detrimental to a healthy work-life balance
- Allow employees to attend counselling and support services during working hours as they would for other medical appointments, subject to the relevant approval and procedures by the school.
- Encourage activities that promote good mental health, for example a lunchtime walking group.
- Encourage employees to take lunch away from their desk.
- Employees should be encouraged to take personal responsibility for work-life balance in the following ways:
    - Try to 'work smart, not long'. This involves tight prioritisation, allowing yourself a certain amount of time per task – and trying not to get caught up in less productive activities
    - Try to ensure that a line is drawn between work and leisure. If you do need to bring work home, try to ensure that you only work in a certain area of your home – and can close the door on it.
    - Take seriously the link between work-related stress and mental ill health. Try to reduce stress, for example through exercise, relaxation or hobbies.
    - Recognise the importance of protective factors including exercise, leisure activities and friendships. Try to ensure that these are not sacrificed in working longer hours or try to ensure that spare time is spent on these things.
    - Watch out for the cumulative effect of deciding to work long hours by keeping track of your working hours over a period of weeks or months rather than days. Take account of hours spent worrying or thinking about work when assessing your work-life balance. If possible, assess your work life balance in collaboration with your colleagues and with the support and involvement of your Headteacher/manager.
- For any stress related conditions, the school should make an automatic referral to Occupational Health and undertake a stress risk assessment.

4. ROLES AND RESPONSIBILITIES

4.1 The Headteacher;

- Is responsible for overall management of attendance within the school and will seek specialist advice from the school's HR provider or Occupational Health, as necessary, at any stage.
- Can delegate responsibility for dealing with the initial stages of the procedure to other managers within the school. This will depend on reporting arrangements within the school and the specific circumstances of individual absence issues.

4.2 The Governing Body will;

- Receive reports from the Headteacher on the management of absence in the school, its impact on service delivery, and the effectiveness of the absence management policy.
- Monitor the attendance of the Headteacher and apply the appropriate procedures if issues arise.

4.3 Managers (as delegated by the Headteacher) will;

- Ensure all absences are recorded accurately.
- Follow the agreed procedures, making sure that frequent contact is maintained with absent staff and that return to work interviews are undertaken promptly
- Manage attendance in a fair, supportive, consistent and proactive way, being mindful of mental health
- Seek advice on and implement any specific measures relating to disability and/or pregnancy and maternity
- Ensure all staff are aware of their responsibilities when they are not well enough to work

4.4 Employees must;

- Attend and be fit for work, unless absence is authorised, or they are unable to attend work through sickness, injury or other unforeseen circumstances
- Follow the correct procedures for reporting absence and maintaining contact, supplying medical certificates where required
- Comply with the Attendance Management Procedure, including attending return to work meetings and other informal and formal meetings and attend Occupational Health (OH), where appropriate
- Aid their recovery as best as they can to ensure that they return to work as soon as possible and refrain from any activity whilst off sick which may aggravate their medical condition or otherwise impede their return
- Tell their Headteacher/manager if their health is being negatively affected by any work-related factors or if they have concerns about returning to work after a period of sickness absence

5 EQUALITIES IMPLICATIONS

5.1 There are equalities implications involved when any employment procedure is applied. Application of the Attendance management procedure has particular implications for the multi-cultural and predominantly female workforce employed by schools in Tower Hamlets.

5.2 Headteachers should ensure that they assess the situation across the group of employees before they embark on any action relating to an employee's sickness

absence. It is important for example that no one person is singled out if other colleagues have a similar sickness record. Sickness absence patterns should be monitored to identify problems in particular areas or in specific occupations with a view to examine possible causes and seek solutions.

5.3 In order to establish whether any single person or group of employees is being treated less favourably than others under this procedure, it is important that all action taken is monitored. If details are not already available, employees may be asked to provide information (e.g. about their ethnic origin) to enable the school and the Local Authority to review the impact of this procedure.

5.4 There are a number of conditions which affect particular groups within the workforce, e.g., menstrual problems, menopause, domestic violence, cervical and breast cancer, sickle cell, thalassaemia and HIV/AIDS. Where sickness occurs Headteachers must consider relevant equalities issues, including gender equality. If there is a problem around the level of absence in such cases, it will be appropriate to seek advice from Occupational Health or your HR provider.

6 DISABILITY

6.1 Headteachers should be alert to the possibility that certain health or medical conditions, including depression may amount to a disability under the Equality Act 2010. Where this is a possibility, particular care should be taken to seek specialist advice (e.g. from Occupational Health and your HR provider), and to consider any reasonable adjustments to the individual's working systems/environment that may be appropriate. The school should obtain advice from the HR provider on what constitutes an impairment under the Equality Act 2010.

6.2 Headteachers/Managers/Governors seeking advice from Occupational Health as to whether an employee is defined as having a disability should not simply ask in general terms whether an employee is disabled within the meaning of the legislation but should ask specific practical questions based on the individual's circumstances. Where guidance from Occupational Health is that the employee is not disabled, Headteachers/Managers/ Governors should apply their own judgement and if in any doubt treat the employee as if covered by the legislation and the duty to make adjustments.

6.3 Disabled employees are required to comply with this procedure. However, Headteacher/managers may agree to different reporting requirements during periods of absence that are related to an impairment. The school has a duty to consider reasonable adjustments to assist staff in carrying out their job and their Headteacher/manager will discuss with them whether there are any adjustments that can be made to help them carry out their duties. Headteacher/managers will

consider:

i) what can be done to alleviate any difficulties in order to assist disabled staff back to work and/or to sustain a return to work
ii) adjusting their duties, working arrangements or hours of work.
iii) if additional or modified equipment would be of assistance.

6.4 If an employee has informed the School that they are disabled and the nature of their impairment, in situations where they are fit for work but need time off for treatment, physiotherapy, health assessments or to attend courses to help them manage an impairment, they can request Rehabilitation Leave. This request will need to be made in line with the Annual and Special Leave Procedure or in line with another appropriate procedure set out by the school. This leave can be requested for both short and long term periods of absence. For example:

- Regular short periods of absence needed to attend appointments that will assist a disabled employee in managing an impairment. This may help reduce the possibility of the disability leading to future periods of sickness absence.

- Longer periods of absence to help manage changes caused by a new or existing impairment. For example, attendance at a course to be trained to use a guide dog, pain management therapy or to adjust to changes in personal circumstances following an accident that results in an employee becoming disabled. Rehabilitation leave is not to be used for periods of sickness absence.

6.5 Where it is identified that sickness absence is related to a disability, this will be recorded on an employee's absence record.

6.6 Headteacher/managers should still follow the sickness procedure for disabled employees in order to identify any reasonable adjustments or support that can be made available to the employee. However, the disabled employee may be allowed more time than non- disabled staff before moving to the next stage of the procedure. This may be considered a reasonable adjustment.

7. PREGNANCY

7.1 Where an employee is off work sick due to pregnancy, the Headteacher/manager may not be able to pursue this through the formal route. Each case must be dealt with on an individual basis. However, where necessary, informal meetings should be conducted to ascertain the issues and support the employee may need.

7.2 A Risk Assessment must be carried out for every expectant and nursing mother.

7.3 Where an expectant mother is absent with pregnancy related sickness absence in the 4 weeks prior to the expected week of confinement, this will trigger the maternity leave to commence.

7.4 The dismissal of an employee who is pregnant or on maternity leave will be automatically unfair if the reason for the dismissal is related to her pregnancy or childbirth.

7.5 Schools should seek advice from their HR provider when dealing with absences that are, or may be, due to pregnancy related conditions.

8. MENOPAUSE

8.1 Menopause is a normal part of life. The menopause is an equality and occupational health and safety issue and women may need appropriate flexibility, support and adjustments during the time of change before, during and after the menopause.

8.2 The school has a positive attitude towards menopause and will treat all individuals with dignity and respect during this time and ensure that the workplace does not make symptoms worse.

8.3 The school is committed to ensuring that women feel confident in discussing menopausal symptoms openly, without embarrassment, and are able to ask for support and adjustments in order to continue to work safely in the organisation. For this reason, the menopause at work is an issue for men as well as women.

9 TERMINAL ILLNESS

9.1 Where an employee is suffering from a terminal illness the following factors need to be considered:

- the benefits available for the relatives/partner upon death of the employee may be substantially more if the employee remains employed by the school/Local Authority until the time of death.

- people are affected differently by the knowledge that they are terminally ill. Some may wish to continue working for as long as they are able, while others may find it impossible to remain at work. The employee's actual ability to carry

out work must however be considered with the benefit of medical opinion.

- management will need to demonstrate sympathy and sensitivity to the employee's situation and will make every attempt to apply the Attendance procedure in the light of the individual's circumstances. HR guidance should be sought at this stage.

10 HEALTH AND SAFETY OBLIGATIONS

10.1 The Health and Safety at Work Act 1974 requires employers to ensure the health, safety and welfare at work of their staff so far as is reasonably practicable. Additionally, the management of Health and Safety Regulations 1992, impose the duty on every employer to conduct a suitable and sufficient assessment of the risk involved in each job.

10.2 Advice on conducting Risk Assessments is available from the Local Authority's Health and Safety Team.

11 THE ROLE OF OCCUPATIONAL HEALTH

11.1 The Occupational Health (OH) Service is primarily an advisory service to provide Headteachers/managers with guidance on how to manage and support the health and wellbeing of staff, making recommendations as appropriate. Occupational Health work impartially, maintaining strict confidentiality so employees can feel as comfortable as possible in the process and decision making. Please note that schools may use their own Occupational Health provision.

11.2 Management referrals

11.2.1 Occupational Health usually becomes involved where a health related issue has been identified which requires managing within the workplace. Employers have a duty of care to each employee and Occupational Health gives advice on how to legally discharge this responsibility.

11.2.2 Occupational Health advises on potential actions required to support the Headteacher/manager and staff member so they can plan for a successful return to work after a period of sickness or injury. A referral may also take place for staff who are identified by their Headteacher/manager as requiring support whilst still in the workplace.

11.3 Reports and recommendations

11.3.1 Recommendations for reasonable adjustments may form part of a report to Headteachers/managers to support staff with disabilities or where an individual's health status changes during the course of their employment.

11.4 Reports from specialists

11.4.1 Occupational Health liaise with outside agencies working collaboratively to understand any medical conditions and recommendations for rehabilitation.

11.4.2 They obtain reports from GP's and Specialists and work with special agencies and projects to enable staff to return to gainful employment or advice on redeployment as appropriate.

11.5 Dismissal on medical capability, redeployment, and ill health retirement

11.5.1 Sometimes difficult decisions may need to be made, when there is no possibility of a return to the staff member's substantive role having considered reasonable adjustments which the business can support. In line with the Attendance management process, medical redeployment will be looked at, but should this fail, then dismissal on medical capability may occur.

11.5.2 Where it appears the person will not be fit to return to any type of alternative work having explored and pursued all relevant medical options, staff are seen by an Occupational Health Physician to advise on whether ill health retirement is appropriate.For teachers this process is undertaken by the Teacher's Pensions service.

11.6 The Counselling Service

11.6.1 The counselling service can be accessed through the normal management referral route as a request for counselling. Details do not have to be discussed at referral stage by the employee.

11.6.2 Once assessed by the Occupational Health adviser, an appointment will be given as appropriate.

11.6.3 Where schools use their own Occupational Health Provider, alternative arrangements will need to be made where counselling is required. This will be agreed by the employee and the school.

11.7 The Headteacher/manger will request consent from the employee before a medical consultation/examination and/or report is provided, to allow Occupational Health to

approach the employee's GP/medical advisers for medical information pertinent to the individual's situation. Employees have the right to withhold consent in such circumstances.

11.8 Where an individual refuses to give consent or causes unreasonable delay in giving consent for medical information to be sought / divulged, the Headteacher/manager reserves the right to make any future decisions based on the available information.

12 RETURNING TO WORK AFTER A PERIOD OF ABSENCE

12.1 When an employee returns after any period of absence, the Headteacher/manager should discuss the absence with the employee to ascertain:

- The employee's health (e.g. whether they are fully able to work or require temporary adaptations to their duties);
- Whether there is anything that needs to be done to avoid a recurrence of the illness; and,
- If the employee is disabled, whether the absence was related to the disability.

12.2 If an employee returns to work following a period of absence on a phased return basis, the school should take into account the advice received from its Occupational Health provider and be guided by that. It is important to bear in mind that the purpose of a phased return is to achieve a successful full time return to work. Custom and practice is that staff returning to work on a phased basis are paid their full salary for a limited period of time. A phased return would normally be between 2 – 6 weeks.

13 CONFIDENTIALITY

13.1 When managing an employee's sickness absence, the need to maintain confidentiality is of paramount importance. All staff have a personal responsibility for ensuring that information they receive is kept confidential, whether it is written or verbal, and whether it is received directly or indirectly. It should be noted that in some circumstances the Local Authority or school could become liable for unauthorised disclosure of confidential information. For further advice on data protection matters please contact the Local Authority's Data and Security Manager or the Information Governance Team.

14 MEDICAL SUSPENSION

14.1 Medical suspension means requiring an employee to stay at home whilst a medical matter is being investigated; such suspension will be used for as limited a time as possible and for no longer than 26 weeks. The school has a duty to ensure the health and safety of its employees, and in certain circumstances a health professional may recommend that a particular employee is unfit to work with a particular hazard. If the hazard cannot be removed, or temporary reasonable adjustments cannot be made to the employee's role, the school may have to suspend the employee until it is safe for them to return to work.

14.2 It may also be necessary to temporarily suspend an employee from work on the grounds of ill health in the following circumstances:

- in the opinion of Occupational Health, the employee is unfit for work, but is declaring themselves fit for work or being declared fit for work by their own doctor;
- the employee is deemed to be at risk to themselves or others because of their medical condition;
- if any agreed reasonable adjustments are not operating or in place for a temporary period.

14.3 Medical suspension should not be considered an alternative to sick pay in relation to a period of long term sickness absence, or as an alternative to an agreed phased return. Medical suspension is the Headteacher's decision. Any medical suspension will be at the normal rate of pay; it is not a disciplinary suspension. Advice should be sought from your HR provider and Occupational Health prior to making a decision to suspend an employee.

14.4 There will be occasions when staff may be required not to attend school due to the risk of transmitting an infectious disease. In some cases staff will be unwell and unable to work; in others they may be able to work from home. All such cases will be dealt with in line with Public Health England or GP advice. Consideration will be given to how the absence should be treated (as sick leave, medical suspension, working from home or other) depending on all the circumstances with the underlying principle that staff should not suffer detriment for absence caused by the need to protect health in the school community.

15 SICK PAY

15.1 For levels of sick pay, please refer to the relevant conditions of service document.

16 REPORTING SICKNESS ABSENCE

16.1 If employees are sick they must notify their Headteacher or nominated member of management as soon as possible on the first day of absence, and no later than within two hours of the normal starting time, to enable the school to arrange cover, however staff are advised to check with the Headteacher whether different local arrangements exist within their school. Employees should telephone personally, other than in exceptional circumstances when a relative or friend may call on their behalf.

16.2 Employees should advise the Headteacher/manager of the likely duration of the absence and keep in touch on the first five days of absence, and at regular (at least weekly) intervals after that.

- If the absence continues into a 4th day, employees must notify their supervisor of their continued ill health, giving (where possible) an indication of the probable duration of the illness. The 4th day is regarded as the fourth consecutive day of absence, inclusive of rest days and weekends. If the 4th day occurs on a Saturday, Sunday or public holiday and the place of work is closed, notification must be made as soon as possible the next working day.

- If absence continues into an 8th calendar day, employees must visit their doctor to obtain a doctor's statement for fitness for work ('fit note') from the eighth calendar day of absence. A fit note is required to cover all continuous periods of absence up to the date of return. This must be forwarded to their Headteacher/manager without delay, and normally no later than the tenth calendar day of absence.

- If employees have stated an intention to return to work on a certain date, but find they are unable to do so, a further explanatory telephone call must be made to their Headteacher/manager.

- Employees must submit medical certificates to their Headteacher/manager at regular intervals covering their periods of sickness consecutively.

- Under exceptional circumstances, and with prior notification, employees may be required to provide medical certificates at more frequent intervals than those given above. However, it is recognised that GPs are not obliged to provide such certificates and may decline to do so or may require payment

for them. Any costs associated with the provision of medical certificates in these circumstances will be reimbursed to staff.

- Employees should complete a self-certificate, on the day of return, for absences up to and including seven calendar days, or the first seven days of a longer absence if not covered by a doctor's statement.

- If hospitalised, employees should obtain a doctor's statement on entry to and on discharge from hospital.

- It is very important that employees comply promptly with the procedures as set out above. If they do not, there is every possibility that any allowances to which they are entitled will be delayed. Additionally, payments under the Occupational Sick Pay Scheme may be stopped if the terms of the scheme are not complied with, and absenteeism procedures could be considered under the Schools Disciplinary Code. If employees submit any false information as to their incapacity, it will be dealt with in accordance with the Schools Disciplinary Code.

- "Four week's absence" – If an employee's illness continues for four weeks, they will be automatically referred to the Occupational Health Physician for medical examination. Written permission may be required to contact an employee's doctor for a medical report, and they have the right to see this report before it is sent to the Occupational Health Doctor. It is a requirement of the Occupational Sick Pay Scheme that employees so requested shall attend a medical examination. Failure to do so without good reason could lead to the stopping of Occupational Sick Pay for the entire period of sickness and/or disciplinary action.

For long term periods of absence, the school should ensure that they are in regular contact with the employee.

17 INFORMAL MANAGEMENT OF SICKNESS ABSENCE

17.1 After each period of sickness absence, the Headteacher/manager will meet with the employee, on or as near as possible to the day of return, for a return to work discussion to cover the following, as appropriate:

- welcome back to work
- confirm the reason for the absence
- completion of a self-certificate if required
- confirm that the employee is fit to return to work

- whether any aspect of the job is having an impact on the employee's health
- any adjustments or assistance that can be provided to the employee
- an update on any work issues during the employee's absence
- a discussion on concerning patterns of absence if appropriate
- any other concerns that either party may have.

17.2 Key points of the discussion will be recorded and signed by the Headteacher/manager and the employee and kept confidentially on the employee's personal file.

17.3 The Headteacher/manager and the employee are responsible for taking any agreed actions arising from the return to work meeting.

18 ATTENDANCE REVIEW MEETING

18.1 This stage applies where: -

- A combination of odd days, longer periods and patterns of absence causes concern; or,
- There is a total of 11 days absence in a rolling 12 month period: or,
- There are three separate occasions of absence in a 6 month period. These guidelines should be adjusted on a pro rata basis for part time staff, unless there are unusual circumstances where it is identified that this could be partially discriminatory or disadvantageous towards part time staff, in which case a note of an appropriate adjustment method will be agreed and recorded.

The above are guidelines only. Headteachers/managers should monitor all absence and take appropriate action as soon as they believe there is a problem.

18.2 A confidential meeting between a manager nominated by the Headteacher and employee should be arranged as soon as the manager identifies a sickness problem (see above). Normally a HR Officer or trade union representative need not be involved at this stage, but if an employee wishes to bring a trade union representative, they can. Meetings under this procedure could be held at the employee's home or another location, if they agree, in circumstance where their mobility prevents them from travelling long distances. Where exceptionally it is not possible to hold a meeting with the employee either at work or at home, they may send a trade union representative or work colleague to speak on their behalf or may be given the opportunity to respond in writing or equivalent method.

18.3 Aims of the Attendance Review Meeting

The purpose of this meeting is to:

- Signal that the employee's time off is a cause for concern
- Allow the employee to inform the Headteacher/manager if there is an underlying medical problem or disability restricting their attendance at work.
- Give the employee an opportunity to explain other reasons for sickness, e.g. domestic difficulties, work, stress, alcohol or drug related problems etc.
- Refer the employee to Occupational Health, where appropriate, any such referral must be discussed with the employee.
- Offer support such as assistance with making arrangements for treatment, special leave, temporary adjustments to working hours, or access to counselling.

18.4 Following the Attendance Review Meeting the employee should be allowed reasonable time to demonstrate an improvement in their attendance. As a general guidance this monitoring period would normally be for a period of 3-6 months, although there may be occasions when a shorter/longer monitoring period would be reasonable.

19. FIRST FORMAL REVIEW MEETING

19.1 Where there is an issue, or the employee's attendance record has not sufficiently improved following the Attendance Review Meeting, the Headteacher/manager should set up a First Formal Review Meeting. A first Formal Review meeting will automatically be triggered for long term absence, when an employee has been off continuously for 4 weeks or more.

19.2 Aims of the First Formal Review Meeting

This stage applies where:

- An employee's absence has gone beyond the levels set at the attendance review stage.
- **for continuing absence**: to explore sensitively the reasons for the sickness absence and the possibilities of a return to work and how workloads can be handled in the meantime, consider and put into action reasonable adaptations that may be made to assist return and/or to consult the employee about an

Occupational Health Referral or to discuss advice received from Occupational Health.

- **for repeated absences**: to alert the employee to the difficulties caused by their absence, to identify any underlying cause, making reasonable adaptations to the job/premises if needed, and to organise a referral to Occupational Health if it is needed.

19.3 The Headteacher/manager must hold a First Formal Review meeting. If the employee is unable to attend such a meeting by coming into work, alternative arrangements will be made. The employee should be told that this is the first formal stage of the sickness absence procedure and that they have the right to be accompanied by a recognised trade union representative or a work colleague.

19.4 Employees should be made aware that where absences have lasted or are expected to last longer than four weeks, there should be a presumption that absence review meetings should go ahead rather than be postponed. This will ensure appropriate and prompt support. Such meetings may be held remotely, unless the employee prefers to attend onsite or an agreed neutral location. Appropriate adjustments should be put in place to facilitate attendance in the preferred format, either by agreement or with the advice of Occupational Health. For the sake of clarity, this presumption for meetings to go ahead during longer sickness absences applies to absence-related meetings during periods of work-related stress that coincide with a performance management process, although it does not apply to meetings within the performance management process itself.

19.5 In all cases Occupational Health advice must be considered at the Formal Stage of the Procedure.

The Purpose of this stage is to:

- Continue to discuss the employee's sickness absence, including the likely length of continuing or repeated absences
- Identify any underlying reasons
- Where an Occupational Health referral has not already occurred, to refer the employee to the Occupational Health Adviser/counsellor where appropriate.
- Advise the employee of the employment implications of their absence.
- Check the potential for redeployment, if relevant
- Determine the medical treatment that the employee is receiving and where

relevant the prognosis for a recovery within a reasonable length of time

- Explore what the employer can reasonably do to aid the employee's recovery with a view to a return to work/sustained attendance at work, including any reasonable workplace adjustments that may need to be considered, advice on this may be sought from Occupational Health and the HR provider.

- Discuss whether in all the circumstances the employer can, in the case of long term absenteeism, be expected to wait for the employee to return to work

- Warn the employee that if there is not a substantial and sustained improvement, a Contractual Review will take place, which may result in the employee's dismissal on grounds of capability. The employee may be given notice of the Contractual Review meeting at this stage, or at a later stage during the monitoring period, which may be up to 1 year in duration.

- Inform the employee that their attendance will be closely monitored over an agreed time period.

19.6 The employee should be given at least five working days' notice of the First Formal Review meeting and advised of their right to be accompanied by a recognised Trade Union representative or work colleague at the meeting.

19.7 A Human Resources adviser should be present at the First Formal Review stage. The outcome of the First Formal Review meeting should be confirmed to the employee in writing by the Headteacher/manager, within five working days of the meeting. Where appropriate, the Headteacher/manager may decide to reconvene the First Formal Review meeting in order to consider further evidence and advice.

19.8 Interim formal review meetings may be held during the monitoring period to check that actions / support are taking place as agreed.

19.9 If an employee's attendance improves to the required standard for the specified monitoring period, the employee will be removed from the Attendance absence procedure. It is, however, expected that the improvement will be sustained for a minimum of 12 months. If, however, there have been further absences, a further review period may be set, or the process could move to Contractual Review.

20. CONTRACTUAL REVIEW MEETING

20.1 By this stage the employee would have been given every opportunity to improve their attendance to an acceptable level/to sustain a return to work. If all efforts have failed, the employer has a duty to consider termination of the contract of employment on the grounds that the employee is unable to meet their contractual obligations to

work.

20.2 A date for the Contractual Review meeting will normally be set at the preceding Formal Review meeting, ensuring that there has been long enough time to establish the likely prognosis.

20.3 The Occupational Health Adviser should be asked as to whether a further review of progress is necessary before any prognosis of the employee's future state of health can be given.

20.4 The employee should be given at least 10 working days' notice of the Contractual Review meeting and advised of their right to be represented by a recognised trade union or work colleague. The letter should outline the employee's sick record to date and inform them that as a result of the review, a determination to dismiss may be made to the Local Authority.

20.5 The panel will normally consist of the Headteacher (who will chair the meeting) and a governor other than the Chair of Governors. Where the Headteacher conducted previous meetings under the procedure, the panel will consist of two governors other than the Chair of Governors, one of whom will be nominated to chair the meeting. The Chair of the panel will be advised on procedural matters and matters of precedent by a Human Resources representative.

20.6 It may be appropriate, if Occupational Health advice indicates that a return to work is not expected in the foreseeable future, to proceed from the First Formal Review to the Contractual Review Stage of the procedure, without the need for reconvened meetings.

20.7 The school must show that the employee has been given a chance to improve their attendance by allowing a reasonable time between the First Formal Review and the Contractual Review.

20.8 If the panel makes the decision to recommend dismissal, they must be satisfied that all reasonable efforts to support the employee have been made. If dismissal is the outcome, Community Schools must send a determination to dismiss to the Local Authority notifying them of the decision and the reasons for it. In the case of Foundation, Voluntary Aided Schools and Foundation Special Schools where the power to dismiss has not been delegated to the Headteacher, a recommendation to dismiss will be made to the Governing Body.

20.9 The panel will communicate their decision in writing to the employee within 5 working days of the meeting. If possible, the panel will verbally inform the employee

of the panel's decision at the conclusion of the meeting. If dismissal is the outcome, notice will start from the date of the Contractual Review Meeting.

20.10 Purpose of the Contractual Review Meeting

- To consider medical evidence where it is available or appropriate. Should the employee wish the panel to consider additional evidence such as further medical reports, this should be supplied to at least 5 working days in advance of the Contractual Review meeting.

- To consider possible solutions for improved attendance. The panel may if appropriate, defer any decision in order to seek further advice.

- To explain the medical advice received.

- Where the advice is not encouraging, to explain the implications for the employee's colleagues and the service.

- Determine the likely duration of the absence or continuation of the condition.

- Check the potential for redeployment/job redesign or any other reasonable adjustments that may still need to be considered.

- Check the appropriateness of ill-health retirement.

- Where a full return is expected but not within the near future, where the prognosis is indeterminable, or where there is an underlying medical condition causing persistent short term sickness, the panel should assess whether in all the circumstances the employee's continued absence is tolerable. Where a determination to dismiss is made, this will be on the grounds of incapability with the required pay in lieu of notice.

20.11 The employee will be informed in writing of the outcome of the Contractual Review meeting within 5 working days and advised of their right to appeal against dismissal. Appeals must be made in writing to the Chair of Governors within 10 working days of the date of the dismissal letter.

21. APPEAL

21.1 The Chair of Governors will write to the employee giving details of the appeal hearing, which will normally take place within 10 working days of receipt of the employee's

appeal. The employee will be advised in writing of their right to be accompanied at the appeal hearing by a recognised trade union representative or work colleague.

21.2 The appeal must be made in writing and must clearly state the ground or grounds for appeal and outline the basis for this. . The ground(s) for appeal must fall within one or more of the following:

- There was a procedural irregularity which had a material effect on the dismissal decision;
- The hearing officer came to a conclusion on a material point of fact which no reasonable person could have come to;
- The decision to opt for dismissal rather than an alternative option was one that would not have been reached by any reasonable person;
- There is new evidence which the employee wishes to introduce for the first time at the appeal which could not reasonably have been raised at the original hearing and the absence of which had a material effect on the dismissal decision.

Any further detailed submissions and any new evidence must be provided at least 2 working days before the appeal hearing.

21.3 The Chair of Governors plus two other governors will hear the appeal. A Human Resources advisor will also attend to advise the panel on procedural matters and matters of precedent.

21.4 The Appeal Panel will have the authority to confirm the dismissal decision or to overturn it. In the latter event, re-instatement or re-engagement with continuous service will apply.

21.5 The Chair of Governors will communicate their decision, which will be final, in writing to the employee within 10 working days of the appeal hearing.

22 OTHER CONSIDERATIONS

22.1 Where absence is due to long-term sickness and the annual leave is in excess of the carry forward allowance at the end of the leave year, the employee will be able to carry forward remaining annual leave.

22.2 If an employee does not attend work or report an absence, the Headteacher/manager will make every attempt to contact them. Contact will be attempted via telephone, next of kin or visiting home. If the Headteacher/manager is unable to make contact, the absence may be recorded as

unauthorised absence.

22.3 Reporting absence as sickness following refusal of an annual leave request may result in an investigation being undertaken and disciplinary action may be taken.

22.4 Annual leave taken during a period of sickness absence must be authorised and recorded in the usual way. Employees on long term sick leave who have exhausted their full sick pay entitlement will be paid full pay during authorised annual leave

22.5 If an employee is certified as unfit to work during their annual leave, the days covered by the certificate can be claimed back and taken at a later date.

22.6 Time off work due to pregnancy related illness will not be counted towards any absence monitoring. All notified sickness absence, including pregnancy related, will be paid in line with conditions of service.

22.7 Sickness Absence related to a disability must be recorded. Headteachers/managers may need to consider reasonable adjustments (including amended trigger points) to support employees.

22.8 If the health and wellbeing of an employee poses a risk to the safety and wellbeing of children or colleagues then the employee should be encouraged to be off sick and to visit their GP Surgery. Should this not be possible then the Headteacher has the right to consider the option of medical suspension until such time as the employee is able to be assessed by Occupational Health. Medical suspension would be on full pay.

23 FURTHER INFORMATION

For further information please contact your HR provider.