



# Thinking Schools Academy Trust

## “Transforming Life Chances”

### Managing Absence & Ill Health Policy

This policy was adopted on	November 2020
This policy was updated following consultation with recognised trade unions	March 2024
The policy is to be reviewed on	September 2027

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## 1. Policy Statement & Scope

The Thinking Schools Academy Trust (The Trust) is committed to supporting the health, wellbeing and attendance of all Employees. The Trust expects a high level of attendance and requires each Employee to take responsibility for achieving and maintaining good attendance.- This Policy and Procedure applies to all Employees of The Thinking Schools Academy Trust.

The Trust is committed to supporting an employee during a period of absence with the aim of assisting their return to work and maintaining the required levels of performance. The Trust also recognises its obligations under the Equality Act 2010. Please note that an Equality Impact assessment has been undertaken to ensure that no groups or individuals with protected characteristics are unintentionally disadvantaged.

The Trust will seek to balance the needs of the Academy with the needs of the Employee. Where an Employee is unable to undertake the duties of their post, and where all reasonable alternative options have been exhausted, consideration may be given to terminating employment.

For teaching staff this policy complies with the Conditions of Service for School Teachers in England & Wales Document 2000 (Burgundy Book) and specifically Section 4 therein.

For those employees who have transferred under TUPE Regulations 2006 the principle of no detriment will apply in respect of transferred policy entitlements.

This policy is not contractual, but is to provide managers and staff with information on The Trust's approach to dealing with absence. However, some parts of this policy may form part of contracts of employment, such as sick pay entitlements.

## 2. General Management of Absence

### **Record Keeping & Notes**

All absences will be recorded. Notes may be taken of all discussions and formal / informal meetings held with an Employee to discuss attendance and any ill health issues will be shared with 5 working days.

Covert recordings of meetings or hearings are expressly prohibited. Any recording of a meetings or hearing must be with the prior consent of all parties.

### **Absences prior to a Holiday/Closure Period**

If an employee is off sick on the last day of term prior to a school holiday, compulsory closure, or where there are concerns about the reason for short term absences, the Trust may require a Fit Note for the whole period of sickness, even if the sickness absence amounts to less than 7 days.

If this is the case, you will be notified of this requirement when you call in to report your sickness absence and are advised to see your GP to obtain a Fit Note. In these circumstances, the cost of issuing any Fit Note shall be reimbursed by the Academy upon production of a receipt by the employee.

Employees who are absent immediately prior to a compulsory Academy closure, will be deemed to be sick for the whole closure or holiday period, unless they confirm in writing to the Headteacher/Line Manager or another designated manager, when they became well.

If an all-year member of staff is unfit for work during a period of pre-planned Annual leave, then they must notify their line manager on the first day of sickness as per the normal procedure. There will be the opportunity to reclaim the holiday and have it recorded as sickness, with the additional requirement of obtaining a medical certificate covering the duration of the absence.

### **Stress & Mental Health**

The Trust has a duty under health and safety legislation to assess the risk of stress-related ill-health that arises from work. The Trust is committed to supporting employee's wellbeing and additional support and tools are outlined in Appendix 3.

If an employee informs the Trust that they are absent due to work-related-stress, the employee will be offered an opportunity to meet to carry out an impartial individual stress risk assessment. The purpose of this exercise is to provide the opportunity for the employee to discuss their perceived stressors and for management to suggest ways of minimising stress in consultation with the employee.

### **Medical Suspension**

In some circumstances The Trust reserves the right to suspend employees in accordance with their duty of care on medical grounds, pending medical advice, should their presence at work be deemed to be detrimental to the health, wellbeing and safety of the individual, colleagues or pupils. Any such suspension will be confirmed in writing, be for a limited period of time and reviewed regularly.

Such suspensions are made on contractual pay and benefits and do not count against an employee's sick leave entitlement or pay.

### **Right to Representation**

An Employee is entitled to be accompanied by a workplace colleague or Trade Union representative at formal meetings held under this procedure, including formal absence review meetings as well as being accompanied to any formal hearing or appeal.

They may also attend informal meetings; however, it should be noted that the presence of a representative does not make the meeting formal.

### **Suspected non-genuine absence**

Where it is suspected that an absence is not genuine or that false declaration has been made the Trust may, after appropriate investigation, address the matter through the Trust's disciplinary procedure- the Trust Disciplinary policy can be found on the Trust website.

## Unauthorised Absence

Breaches of the absence policy will be investigated and may be dealt with under the disciplinary procedure. These lists are not exhaustive but are examples of misconduct and gross misconduct that may be subject to disciplinary action.

Examples that may be regarded as misconduct

- Unsatisfactory attendance that is not due to a medical reason or covered by another policy, agreement or statute
- Taking part in activities that are inconsistent with the cause of absence or prejudicial to recovery.
- Wilful failure to comply with the requirements of the absence policy.

Examples that may be regarded as gross misconduct and could result in summary dismissal

- Making a false claim of incapacity for work due to ill health.
- Altering the contents of medical certificates.
- Carrying out other employment whilst on sick leave without permission.

If an employee has had either a formal warning or formal monitoring period and completes a sustained period of improvement. At the point that this expires, they will continue to be monitored for an additional 12 months. If they reach a review point during this period, the Trust reserves the right to move straight to a formal process.

### 3. Adoption Arrangements and Date

This procedure was adopted by the Board of Directors of The Thinking Schools Academy Trust on 1st September 2020 and supersedes any previous Absence Management Policy and Procedure.

This policy will be reviewed by the Board of Directors every 4 years or earlier if there is a need. This will involve consultation with the recognised unions.

### 4. Responsibilities of The Trust

- To ensure all Employees are aware of the absence management procedures.
- To ensure absence is accurately recorded, monitored and reviewed effectively.
- To take appropriate management action where absence or ill health related under performance are causing concern.
- To make suitable arrangements to discuss absence and the impact of this – including absence review meetings and wellbeing return to work discussions
- To discuss / identify with Employees support and strategies for improving attendance and work performance or facilitating a wellbeing return to work.
- To keep in regular and appropriate contact with an absent Employee and make them aware should their employment be at risk. Such contact will be agreed with the employee on a case by case basis.

- To consider suitable workplace adjustments that may facilitate and or improve an employee’s attendance at work.
- To provide a working environment conducive to enabling the Employee to undertake their role safely.
- Maintain Employee’s confidentiality in matters relating to health.
- To consider termination of employment only after other potential options have been explored.

## 5. Responsibilities of the Employee

- To make their Headteacher/ Principal/Line Manager aware of any health/personal concerns that may be impacting on their ability to maintain good attendance and performance.
- To take care and responsibility of their own health and wellbeing.
- To comply with the Academy’s absence notification and certification requirements.
- To attend meetings in connection with the management of absence issues (i.e. wellbeing return to work meetings, absence review meetings, Occupational Health appointments). Discuss alternative arrangements if needed with their Headteacher/ Principal/ Line Manager.
- To work with their Headteacher/ Principal/Line Manager to identify support and strategies for improving attendance or facilitating a wellbeing return to work where possible.

## 6. Delegated Responsibility

The management of ill health issues may be delegated to staff other than the Headteacher/ Principal/Line Manager. References to the role of the Headteacher/ Principal/Line Manager in the policy and procedure include their nominee.

If the Head teacher is to be involved in the dismissal hearing all previous stages and meetings should be delegated to middle and senior leaders within the Trust.

Informal Action taken by:	Formal hearing heard by:	Appeal heard by:
Line Manager	Headteacher/ Principal & at least 2 or more governors/SMT/ Executive Team	Headteacher/ Principal & at least 2 or more governors/ SMT/ Executive Team
Headteacher/ Principal	A panel of at least 3 governors and/or SMT/Executive Team	A panel of 3 governors and/or SMT/ Executive Team

Chair of Governors/CEO	3 governors	3 governors
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## Dismissal Decisions

In the Trust responsibility for dismissal decisions has been delegated to the Headteacher/ Principal/Senior Manager, therefore formal hearings to consider dismissal may be heard solely by the Headteacher/ Principal/Senior Manager if this is appropriate for the individual case and is agreed by the member of staff.

## 7. Notification of Absence

Employees should, wherever possible, report sickness absence to their Headteacher/ Principal/Line Manager or other nominated person by telephone as soon as possible on their first day of absence before the start of the working day and no later than 1 hour before their start time. Contact should be made by the Employee by telephone and not by text or a third party, unless unavoidable.

Employees should state:

- The reason for their absence / nature of their illness
- The estimated period of absence where known.

If the Employee does not contact their Headteacher/ Principal by the required time the Academy should attempt to contact the Employee by telephone.

Where an Employee attends work but later goes home sick during the day – pay will not be deducted and this will not be regarded as a sick day for contractual sick pay purposes. However, such absences will be recorded and considered for absence monitoring purposes.

Absences up to 7 calendar days - Employees will be required to complete and submit a self-certification form on return to work for all periods of sickness absence not exceeding seven days, inclusive of rest days, public holidays and Academy closure periods.

Absences for more than 7 calendar days - A Statement of Fitness for Work 'fit note' is required if a period of absence lasts for eight days or more inclusive of rest days, public holidays and Academy closure periods.

## 8. 'Fit Note' Provisions

Should a 'fit note' indicate that an Employee is 'not fit for work' they should remain on sick leave until the expiry of the note. There is not a requirement for the Employee to be signed 'fit for work' by a medical practitioner before returning.

Should the Employee feel fit to return to work prior to the expiry date of the note, the Academy will give this request due consideration and may undertake a workplace risk assessment to establish whether the Employee is fit to return to work early. The Academy reserves the right to ask that the Employee remains on sick leave until the expiry of the note should they feel it is not appropriate for the individual to return.

Should a 'fit note' indicate that an Employee 'may be fit for work' the Academy will discuss with the Employee ways of helping them get back to work. This may include agreeing a phased return to work, amended duties or work place adjustments.

If it is not possible for the Academy to provide the support an Employee needs to return to work, or an Employee feels unable to return, then the statement will be used in the same way as if the GP advised that the Employee was 'not fit for work'.

## 9. Sick Pay Entitlement & Requirements

The contractual sick pay entitlement for teachers is in accordance with the Burgundy Book & entitlement is outlined in each employee's contract.

Statutory sick pay will be paid to qualifying staff in accordance with statutory provisions.

### Teachers Entitlement

Length of Service	Entitlement
During 1 <sup>st</sup> Year of Service	Full pay for 25 working days and, after completing 4 calendar months service Half pay for 50 working days
During 2 <sup>nd</sup> Year of Service	Full pay for 50 working days, and then half pay for 50 working days
During 3 <sup>rd</sup> Year of Service	Full pay for 75 working days, and then half pay for 75 working days
During 4 <sup>th</sup> and successive years	Full pay for 100 working days, and then Half pay for 100 working days

### Support Staff Entitlement

Length of Service	Entitlement for 52-week contract
During 1 <sup>st</sup> Year of Service	1 month's full pay and, after completing 4 months service 2months half pay



During 2 <sup>nd</sup> Year of Service	2 months full pay and 2 months half pay
During 3 <sup>rd</sup> Year of Service	4 months full pay and 4 months half pay
During 4 <sup>th</sup> and 5 <sup>th</sup> Year of Service	5 months full pay and 5 months half pay
After 5 years' Service	6 months full pay and 6 months half pay

For the purpose of sick pay entitlement, the continuous service that is outlined in an employee's contract is applied.

The sickness payment is pro-rata for part time staff and contracted weeks worked.

In exceptional circumstances The Trust has discretion to extend contractual sick pay. This will be considered on a case by case basis in conjunction with and approval from Trust Executive Team.

Payment of sick pay is conditional upon meeting both statutory and Trust requirements concerning absence notification and medical certification. Appropriate certification is required for the entire period of absence including Trust closure periods and non-working days.

Failure to follow these requirements or provide certification in a timely manner may result in the absence being regarded as unauthorised and the Trust reserves the right to withhold pay.

## 10. Contact during periods of absence

The Trust requires employees to maintain reasonable contact with the Academy during any period of absence, presenting medical certificates in a timely manner and attending review meetings as requested and fit to do so.

It may be appropriate to have a nominated contact– especially in cases of work-related stress. Finding an appropriate contact should be a joint decision and, in some cases, this appointed individual will facilitate meetings as required.

- **Absences under 3 calendar days** – Employee to call the Academy each day (if appropriate).
- **Absences for more than 3 calendar days** – Academy to agree with the employee who will need to kept up to date and agreed intervals of contact until their return.

If the absence is likely to be longer term it is expected that the Headteacher/ Principal/Line Manager and Employee will discuss how best to maintain contact at mutually agreed intervals. Consideration will also be given on how best to keep the Employee updated with Academy news and events during their absence.

## 11. Referral to Occupational Health

Where health issues are impacting on an Employee's attendance or performance, The Trust will seek advice from an Occupational Health Advisor or other appropriate health advisor in order to inform management action or support- if required. It is expected that all employees will consent to a referral being made to an Occupational Health Advisor when reasonably asked to do so.

Where a Teacher refuses to engage in an occupational health referral the Trust may be entitled to stop payment of any contractual sick pay entitlement as set out in Section 8, 8.1 of the '*Conditions of Service for School Teachers in England and Wales*' (2000), due to Teachers having a contractual obligation to do so.

Where consent is refused or the occupational health report is not shared, the Trust may make decisions about the management of an ill health issue based on the available information and without further guidance of an Occupational Health Advisor.

An Occupational Health Advisor may refer to the Employee's GP or other medical specialist for further information regarding the Employee's medical condition in accordance with the Medical Records Act 1988.

Any written report provided by an Occupational Health Advisor will be shared with the Employee and they will be able to review the draft prior to being shared with the employer. The employee's consent will be sought prior to sending to the Trust. On receipt of the report from the Occupational Health Advisor a review meeting will usually be convened and they will be given the opportunity to be accompanied by either a workplace colleague or a Trade Union representative.

## 12. Wellbeing Return to Work Meetings

A wellbeing return to work meeting should be held after every sickness absence, this includes absences related to disability, pregnancy, injury/accidents at work. The meeting should be held in a private place and should take place within 5 working days of returning to work.

The purpose of this conversation is to:

- Discuss the reason and cause of the absence
- Consider any concerns regarding attendance, levels or patterns of absence
- Confirm that the Employee is fit to return to work
- Discuss and agree any support that the Employee may need to return to work and sustain a successful return update the Employee on anything they may have missed during their absence.

In complex cases, where absence has been long term and/or where disability is a factor, a member of the HR team may be present at this meeting. Employees may find it useful for a professional association representative or workplace colleague to attend this meeting for support.

A wellbeing return to work form will be recorded and kept on the Employee's personnel file for absence monitoring purposes. Please use the wellbeing return to work form (Appendix 2).

### 13. Reasonable Adjustments and supporting a return to work

The Trust will seek to provide all reasonable support to enable an Employee to make a successful and sustained return to work following a period of absence or to maintain their performance in the workplace.

The Trust will give due consideration to any reasonable and practicable adjustments recommended in a 'fit note' or by an Occupational Health Adviser or requested by an Employee, as required by the Equality Act 2010.

Where appropriate a referral to the DWPs Access to Work Program may be made to establish if additional support, assistance (either financial or otherwise) may be provided.

Adjustments may include consideration of:

- A phased return to work
- Adjustments to the working environment
- The outcome of any risk assessment
- A temporary/permanent alteration of duties or pattern of work- please refer to our Flexible Working Policy available on the Trust website.
- Provision of additional equipment to assist the Employee in their duties
- Providing time off for medical treatment or appointments
- Arranging temporary/permanent additional support in the workplace
- Redeployment to another role in the Academy or local Trust school. • Greater discretion in dealing with periods absence

Any agreed supportive measures will be confirmed in writing.

Timescales for phased returns to work will be discussed in advance and medical advice sought to determine when the employee will be able to return to their normal working hours and/or days.

During the first 4 working weeks of a phased return, the employee will be paid their normal contractual salary. If a phased return extends beyond four working weeks then the employee will be paid on the basis of hours actually worked. If the staff member is an all year-round employee and has already accrued annual leave, they may request this to make up any time that they are not at work.

### 14. Review Points

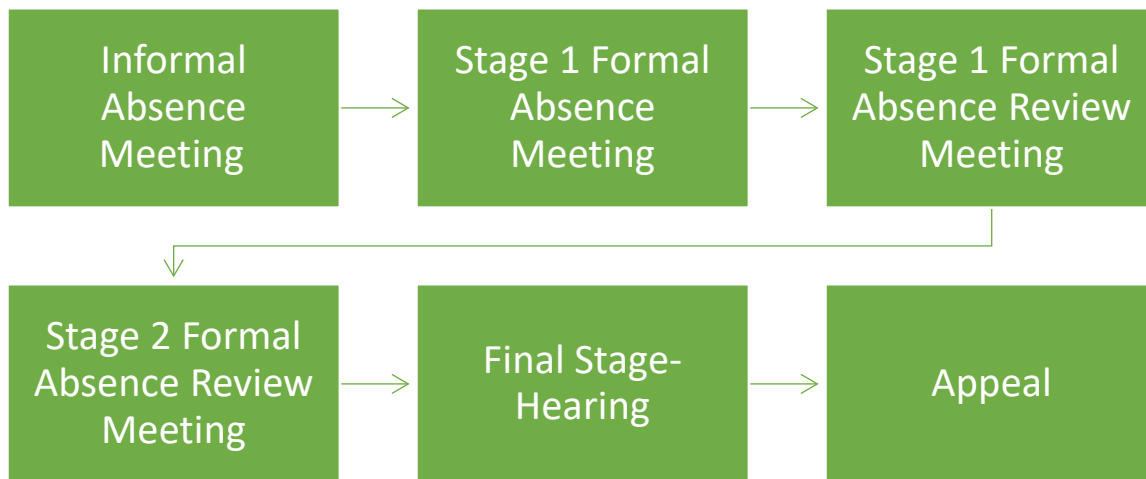
For managing absence, the Trust considers the following absences (this is inclusive of sickness and other types of absence including unpaid and special discretionary leave) as a cause for concern.

- 4 or more episodes of sickness absence in a rolling 12-month period and/or 10 working days of sickness in a rolling 12-month period and/or;

- Where the number of absences in a short-term period warrants immediate action e.g. 3 episodes or 6 working days in 6 months.
- A pattern of absence which is causing concern e.g. regular Friday or Monday absences or absences regularly occurring on a particular day/week, absences pre or post annual leave, public holidays or payday.
- Long term Absence – absent from work for 4 weeks (or longer).

Review points for employees who are part time will be the equivalent pro rata.

## 15. Short Term Absence



### 15.1. Informal Action

In instances of repeated or persistent short-term absences causing concern the Headteacher/ Principal/Line Manager will seek to address this informally at an early stage by meeting with the Employee. The employee should be given 5 working days of such a meeting in advance and is permitted to request accompaniment of a workplace colleague or professional association representative.

The Trust reserves the right to move straight to a Formal Absence Meeting where concerns about the Employee's short-term absence have previously been addressed informally or formally.

The meeting should be recorded on the Informal Short-Term Absence Meeting Form (Appendix 3) a copy of which should be sent to the Employee within 5 working days and placed on their personnel file.

## 15.2 Stage 1 - First Formal Absence Meeting

Where attendance does not show acceptable improvement after an informal meeting a first formal absence meeting will be convened.

An Employee will be given 5 working days written notification which will inform the employee of their right to be accompanied by a trade union representative or workplace colleague.

The employee should be fully involved in the discussion and given an opportunity to discuss their case, answer questions, ask questions, explain any difficulties encountered, and discuss the ways and means by which the issues can be resolved.

There are two possible outcomes from the meeting:

- set a formal monitoring period
- discontinue the formal procedure as the Academy is satisfied that the issue has now been resolved.

### **Monitoring Period**

If a monitoring period is set (usually up to 12 working weeks), the Headteacher/Principal/Line Manager will reiterate the standards required, the extent to which they are not being reached and that failure to improve to the required standard over the monitoring period could lead to a written warning at the next formal review meeting.

This meeting will be conducted by the Line Manager / Headteacher/ Principal after the meeting and within 5 working days, all the information discussed should be confirmed in writing to the employee. A copy of this letter will be kept on the employee's personal file.

## 15.3 Stage 1- First Formal Absence Review Meeting

Following the set monitoring period, the Employee will be given 5 working days written notification of the first formal absence review meeting. The employee will be advised of the right to be accompanied by a Trade Union Representative or work colleague and that a formal warning may be an outcome.

The outcome of this meeting may be:

- To discontinue the formal procedure.
- To issue a first formal written warning on the grounds of unsatisfactory attendance.
  - A first formal warning will remain on the employee's file for 6 months from the date of issue.
  - A further period of formal monitoring will be set in which the Employee will need to achieve and sustain a satisfactory level of attendance. If the employee fails to meet the objective then this will move to a stage 2 meeting.
  -
- To issue a final formal written warning on the grounds of unsatisfactory attendance. (if the attendance concerns are significant)

- The final formal written warning will remain on the employee's file for 12 months from the date of issue.
- A further period of formal monitoring in which the Employee will need to achieve and sustain a satisfactory level of attendance will be implemented.
- ○ A Hearing to consider unsatisfactory attendance (Final Stage) may be considered if the employee fails to meet the objective during the period.
- The review period may vary depending on the circumstances of the case, but will usually be between 8 and 12 weeks. The review meeting can be called forward if the employee fails to meet the objective set during the formal monitoring period.
- A move to a hearing (final stage) may be considered if employee fails to meet the objective during the period and if they have previously been subject to formal absence monitoring.

The Headteacher/ Principal/Line Manager should provide the Employee with written confirmation of what was discussed and the outcome of the meeting usually within 5 working days of the decision being made.

An Employee may appeal in writing against any formal warning within 10 working days of receipt of the written outcome.

### 15.5 Stage 2 –Second Formal Absence Review Meeting

Following the set monitoring period, the Employee will be given 5 working days written notification of the second formal absence review meeting. The format of this meeting will be similar to the first formal absence review meeting outlined above.

The employee will be advised of the right to be accompanied by a Trade Union Representative or work colleague and that a Hearing (Final Stage) to consider unsatisfactory attendance meeting may be an outcome.

The outcome of this meeting may be:

- To issue a final formal written warning on the grounds of unsatisfactory attendance. (if the attendance concerns are significant)
  - The final formal written warning will remain on the employee's file for 12 months from the date of issue.
  - A further period of formal monitoring in which the Employee will need to achieve and sustain a satisfactory level of attendance will be implemented.
  - ○ A Hearing to consider unsatisfactory attendance (Final Stage) may be considered if the employee fails to meet the objective during the period.
- Move to a final stage – hearing to consider unsatisfactory attendance.

## 15.6 Final Stage -Hearing to consider unsatisfactory attendance

Should attendance not improve to an acceptable level or should satisfactory attendance not be sustained within the review period following a Final warning, the Employee will be advised in writing of the requirement to attend a hearing to consider unsatisfactory attendance.

The Employee has the right to be accompanied at this meeting by a workplace colleague or trade union representative.

The Employee will be given written notification of the date, time and venue of the hearing. This will not be less than 10 working days' notice. The notification will advise the Employee of the case to be considered and possible outcomes of the hearing – including that dismissal may be an outcome.

The Trust will provide the employee with all relevant documents which will be referred to during the hearing with the notification letter and in any case no later than 10 working days before the hearing. The Employee is required to provide, no later than 5 working days before the hearing any relevant documents they wish to be considered.

During the hearing the Employer will present the case for a dismissal on the grounds of ill health and the Employee will be given the opportunity to respond.

The outcome of this meeting may be:

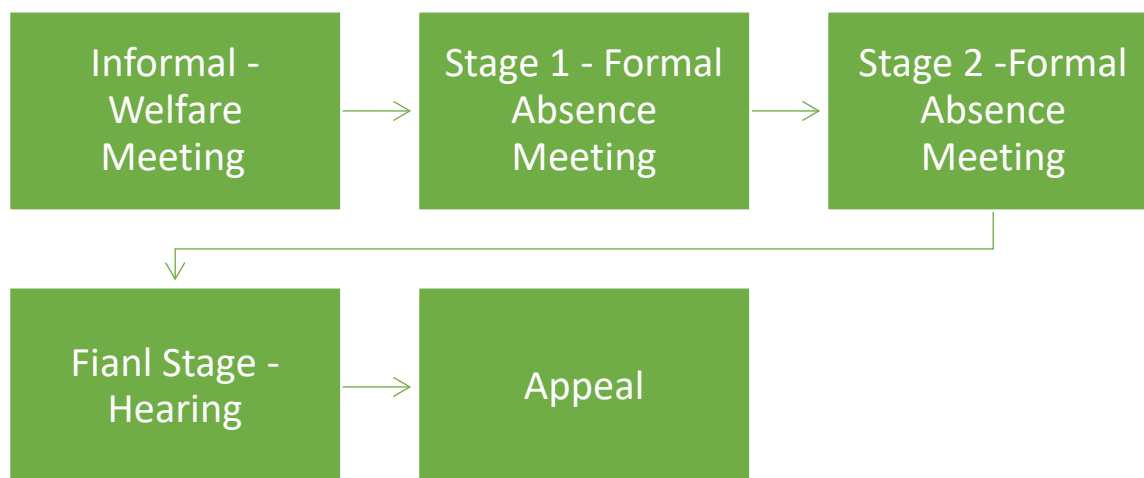
- To continue a further period of formal monitoring in which the Employee will need to achieve and sustain a satisfactory level of attendance.
- To recommend further information or advice is sought (e.g. from an Occupational Health Advisor) or to explore alternative options such as ill health retirement or redeployment, where appropriate.
- To issue a formal written warning on the grounds of unsatisfactory attendance if such a warning has not already been issued.
- To dismiss the Employee with notice on the grounds of unsatisfactory attendance or capability due to ill health.

The Headteacher/ Principal/Line Manager should provide the Employee with written confirmation of what was discussed and the outcome of the meeting within 5 working days of the decision being made. The Employee may appeal against the decision within 10 working days of receipt of the outcome.

It will be deemed sufficient for the Trust to issue written confirmation of the outcome of the hearing to the Employee's last known address.

If the employee wants to appeal the decision, the process is detailed in section 21.

## 16. Long Term Absence



All cases of long-term sickness will be unique and the approach taken by Headteacher/ Principal/Line Manager needs to consider the nature of the illness and the likely duration. In instances of longer-term absence, the Headteacher/ Principal/Line Manager will seek to address this informally at an early stage by meeting with the Employee with sensitivity to individual circumstances.

If an employee has been absent due to sickness for a consecutive period of 28 calendar days' or more, the Headteacher/ Principal/Line Manager should:

- Agree and maintain reasonable contact throughout the sickness absence (this will be agreed in due regard of the type of absence and the length of absence).
- Consider if a referral to Occupational Health is required.
- If it is known that the absence will continue for a consecutive period of more than 28 calendar days, consideration will be made to progress to the next stage of the process on a case by case basis.
- If the employee has not been able to return to work by week 8 of continuous absence and the first formal absence meeting has been completed, consideration will be made to progress to the next stage of the process on a case by case basis.
- A Final Stage Hearing may be considered if the employee is unable to return to work within a reasonable period after all the above options have been considered. Each case will be considered on an individual basis.

When an employee returns to work after a long-term absence, depending on where they are in the process of the long-term absence management, it will be reviewed in line with the review points and they may be subject to a review meeting, where a formal warning may be issued.



## 16.1 Informal Action – Welfare Meeting

An informal welfare meeting will usually take place within the first 4 working weeks of any period of absence - but may be earlier if appropriate. An Employee will be given reasonable notice of a welfare meeting and will have the right to be accompanied by a Trade Union Representative or work colleague.

Should an Employee return to work before the review date the Trust may continue to support and monitor the situation informally to ensure that a successful and sustained return is made.

## 16.2 STAGE 1 - First Formal Absence & Welfare Review Meeting

The Headteacher/ Principal/Line manager will convene a Formal Stage 2 Absence & Welfare meeting with the Employee should the employee remain absent. An Employee will be given 5 working days written notification of the first formal absence meeting and it will inform the employees of the right to be accompanied by a Trade Union Representative or work colleague.

This meeting will be conducted by the Line Manager / Headteacher/ Principal. The meeting can be held at a mutually agreed location if the individual is not well enough to travel into the workplace or they would prefer it to take place outside of work due to the nature of their absence. If the employee is too ill to attend a meeting, another form of communication may be agreed.

If a home visit is conducted, this will need to be expressed consent on the employee and this will be conducted with 2 members of staff and with the appropriate seniority.

A record of this meeting will be provided to the Employee within 5 working days of the meeting unless there are exceptional circumstances.

The employee should be fully involved in the discussion and given an opportunity to discuss their illness, answer questions, ask questions, explain any difficulties encountered.

At this stage, where there is no prospect of a return to work or the Employee is permanently unfit to undertake the duties of the post and all reasonable adjustments have been considered the Trust reserves the right to move immediately to a hearing to consider the case for dismissal on the grounds of capability due to ill health.

Within 5 working days, all the information as stated above should be confirmed in writing to the employee. A copy of this letter will be kept on the employee's personal file

## 16.3 STAGE 2 – Second Formal Absence & Welfare Review Meeting

Should the Employee remain absent from work, after an agreed interval the Headteacher/ Principal will convene a stage 2 Formal Absence & Welfare Review meeting with the Employee. The Employee may be accompanied to this meeting by a workplace colleague or trade union representative.

The review period may vary depending on the circumstances of the case but the meeting will usually be held after 8 working weeks of absence or once advice is received from an Occupational Health Advisor.

In exceptional circumstances, a further absence review meeting may be convened alongside a further review period. The meeting will follow the same format as Previous review meetings.

However, if having reviewed the case, the Headteacher/ Principal determine that the employee:

- Is not currently fit for work and is unlikely to be able to return to work or sustain a return within a reasonable period of time;
- Is not currently capable of undertaking the duties of the post and is unlikely to be able to do so within a reasonable period;

And

- All other appropriate options have been considered;

A hearing may be convened to consider the termination of employment on the grounds of capability due to ill health.

#### 16.4 Final Stage

(Hearing to consider dismissal on the grounds of capability due to ill health)

The Employee will be given written notification of the date, time and venue of the hearing. This will usually be not less than 10 working days' notice. The notification will advise the Employee of the case to be considered and possible outcomes of the hearing – including that dismissal may be an outcome. The Employee has the right to be accompanied at this meeting by a workplace colleague or trade union representative.

The Trust will provide the employee with all relevant documents which will be referred to during the hearing with the notification letter and in any case no later than 10 working days before the hearing. The Employee is required to provide no later than 5 working days before the hearing any relevant documents they wish to be considered.

During the hearing the Employer will present the case for dismissal and the Employee will be given the opportunity to respond.

In reaching a decision, the manager hearing the case / panel may consider:

- The length of the Employee's employment and attendance record
- The impact of the Employee's ill health on attendance / workplace performance
- The length of the absence and impact of the Employee's ill health on the Academy and whether this can be sustained
- Whether or not it is envisaged the Employee may be able to return to work and if so when
- Any specialist advice that has been received regarding the Employee's condition, current and future ability to undertake the job role and anticipated timescales for return

- The impact of any measures / reasonable adjustments that have been put in place to support the Employee, including the findings of any risk assessment
- Whether all alternative options have been discussed – including redeployment and ill health retirement.

The panel should provide the Employee with written confirmation of what was discussed and the outcome of the hearing within 5 working days of the decision. The Employee may appeal against any sanction within 10 working days of receipt of the notification of the outcome.

Where dismissal is an outcome the notification letter should:

- Specify the reason for the dismissal, termination date and any notice period and
- Advise the Employee of their right of appeal against the dismissal.

It will be deemed sufficient for The Trust to issue written confirmation of the outcome of the hearing to the Employee's last known address.

Where an Employee is not dismissed appropriate next steps and further review date may be confirmed in writing with the Employee.

The employee has the right to appeal the outcome – the process is outlined in section 21.

## 17. Appeals

Where an employee feels that the action taken against them is wrong or unjust they can appeal against the decision within 10 working days of receiving the written outcome.

Any supporting information must be submitted by the Employee no later than the deadline for the receipt of an appeal. The Trust will provide the Employee with copies of any documents which will be referred to during the appeal in advance and usually no later than 5 working days before the appeal hearing.

An appeal hearing will be convened at the earliest opportunity, usually within 20 working days of receipt.

The purpose of the appeal is to review the original decision on the basis of the grounds for appeal presented by the Employee. The outcome may be:

- To uphold the previous decision in full
- To uphold the previous decision in part – but reduce the level of the sanction imposed or amend other elements of the decision
- To uphold the Employee's appeal in full and withdraw any sanction

The panel may not impose a higher level of sanction than reached previously.

The Employee will be notified in writing of the outcome of the appeal, usually within 5 working days of the decision being made.

It will be deemed sufficient for the Academy to issue written confirmation of the outcome of the hearing to the Employee's last known address. The decision of the appeal panel is final and there is no further right of appeal.

## 18. Non-attendance at formal meetings and hearings

Where an Employee or their representative is unavailable to attend they should inform the Trust at the earliest opportunity.

If an Employee's representative is unavailable, a meeting, hearing or appeal may be deferred by up to 5 working days from the date of the original meeting.

In some instances, it may not be possible for the Employee to attend meetings due to the nature of their illness. The Trust will seek to postpone meetings where this is reasonable and practicable. Other than in exceptional circumstances only one postponement will be granted.

The Trust reserves the right to hold meetings in the Employee's absence where all reasonable efforts to secure their attendance have been unsuccessful. In this event the Employee will be given the opportunity to make written representations or to be represented by a workplace colleague or trade union representative.

Should the Employee not attend and no satisfactory representations be received the Headteacher/ Principal / panel will make a decision as to the outcome based on the available information.

## 19. Ill Health Retirement

If an Employee is unable to return to work due to continuing ill health an application for ill health retirement may be appropriate. Referrals for ill health retirement will be made in accordance with the provisions of the Teachers' Pension Scheme or the Local Government Pension Scheme (for Support Staff).

## 20. Other Absences

Full details of other additional Leave are detailed in the Special Discretionary Leave policy that can be found on the Trust website.

### **Time off for Medical Appointments**

Prior approval must be sought for time off for medical appointments during working hours.

Wherever possible, routine medical appointments should be made outside of working hours or at the start or end of the day to minimise absence from work. Should this not be possible the Academy will allow reasonable paid time off to attend such appointments, where the request is supported by an appointment card or letter.

The Trust reserves the right to require an Employee to reschedule non-urgent appointments where their absence would have an adverse impact on the operation of the Academy.

Time off for medical appointments will be recorded but will not be classed as sickness absence.

### **IVF Treatment**

In situations where employees undergo IVF treatment paid leave will be agreed for one cycle of IVF. An employee that is undergoing this treatment should ensure that the Headteacher/Principal/Line Manager is aware of this.

### **Elective Procedures**

Sick leave cannot be taken for elective procedures such as cosmetic surgery.

Alternatively, unpaid leave or annual leave (in the case of employees contracted all year round) may be requested for such absence. An Employee should make the Headteacher/ Principal/Line Manager aware of the need for any time off under this provision as soon as practicable. Should the consequences of the treatment make the Employee unfit for work this would be regarded as sickness absence in which instances the usual absence reporting and certification procedures would apply.

### **Drug & Alcohol Dependency Absences**

Absences related to a declared drug or alcohol dependency will be managed as an ill health issue in the first instance supported by the substance misuse policy. Guidance may be sought from an Occupational Health Advisor and appropriate support and management action taken.

The Trust reserves the right to address instances of misconduct resulting from the use of alcohol or drugs under its disciplinary procedures.

### **Accidents at work or due to a Third Party**

Employees should notify the Headteacher/ Principal or other appropriate person of any accident or injury that occurs due to no fault of their own during the course of their work and follow the Trust's procedures for reporting and recording such incidents.

Support staff will receive normal contractual sick pay in these circumstances but this should be recorded separately to other sickness absence.

Teachers who are absent following an accident / injury at work will be paid in accordance with the provisions set out in the Burgundy Book.

Employees should notify The Trust of accidents / injuries where damages may be recoverable from a Third Party. An Employee who is absent from work as a result of an accident and receives damages in respect of loss of pay from a third-party claim will be required to refund to The Trust any sick pay paid to them in relation to the incident.

## 21. Confidentiality and Data Protection

The Trust will respect the confidentiality of all information relating to an Employee's health and handle sensitive personal data in accordance with the General Data Protection Regulations 2018.

## Appendix 1: Wellbeing Return to Work Meeting Form

Name:			
Line Manager:			
Date of RTW completed:			
<b>Absence</b>			
Reason for Absence			
Start of Absence		End of Absence	
Days Absent		Working Days Absent	
<b>Additional Questions</b>			
Do they feel well enough to be in work?		Has medical advice been sought?	
Is their absence work related? *		Is there any additional support they need or would like?	
Are they on any medication that could affect them at work? (please provide comments)		Are there any adjustments to take into consideration for their return? (please provide comment)	
*if the absence was sustained at work form ensure HS1 Accident Report, or HS3 Incident of Violence Report is completed and the Health & Safety Officer has been informed. <input type="checkbox"/>			
Is their absence a cause for concern?	Yes/No	How many absences have they had in the last 12 months?	
Aware of Smart Clinic/ OH?		Risk assessment required?	Yes/No
<b>Signed by Employee</b>			
Date:			
<b>Signed by Manager</b>			
Date:			

## Appendix 2: Informal Absence Management Meeting Form

*This form needs to be completed and signed as a record of the informal absence management review meeting between the Line Manager and Employee.*

Name of Employee		
Name of Manager conducting meeting:		
Date of meeting:		
Total Absence over the last 12 calendar months:		
Total number of Occasions:		
Total number of working days off:		
Total number of medically certified working days off:		
Reason for occasions:		
Question	Yes	No
Is there a recurring illness/ concerns that contributed to these occasions? Is it likely to occur again? If yes please give details:		
Has the Employee sought medical advice or any other additional support? If yes, please give details:		
Is the Employee taking any medication that may affect their work? E.g. drowsiness/dizziness. If yes, please give details:		
Was any of the absences caused or made worse by workplace factors? If yes, please give details:		
Is any action required to support the Employee's improvement in attendance? If yes please give details:		
Action Required/Agreed	Yes	No
Is the amount/level of absence causing concern?		



Has employee been advised to access the Trust Absence Management Policy and is aware of where to find it?			
Has the Employee been informed about the Trusts Employee Assistance Programme, provided through Smart Clinic?			
Is a referral to the Occupational Health Specialist appropriate?			
Is a risk assessment required? (Including stress risk assessment)			
<b>Risk Assessment Tool:</b>			
Description of Risk e.g. the employee is required to lift heavy items but this may make health worse.	Impact – Medical situation could have on carrying out duties <b>High/Medium/Low</b>	Probability – Medical situation could have on carrying out duties <b>High/Medium/Low</b>	Action i.e. reasonable adjustments, training, equipment or support
Further action Required? E.g. Counselling, OH referral, Flexible working request?			
Any other Comments:			
Detail of expectations regarding attendance: (e.g. <i>Period of absence monitoring</i> ):			
Signature of Employee: <ul style="list-style-type: none"> <li>By signing this form, I agree that the information is correct to the best of my knowledge.</li> <li>I am aware that my absences will be monitored for the agreed period.</li> <li>If deemed appropriate with additional absence, a future formal meeting to review my attendance could be held under the next stage of the Trust's Absence Management Policy.</li> </ul>			
Date:			
Signature of Manager: <ul style="list-style-type: none"> <li>I confirm that I have discussed the reasons for absence.</li> <li>I confirm that I have raised the concerns and discussed the impact on the students, school and colleagues.</li> </ul>			
Date:			

## Appendix 3: Employee Health & Wellbeing

### Introduction

The work conducted by the Thinking Schools Academy Trust has the potential to expose employees to risks associated with work related stress and we recognise that our employees may be dealing with stressors outside of work. As an employer we have a number of strategies in place to reduce work related stress and support staff with external stressors. We do understand that even with these strategies in place work related stress can still occur. This appendix sets out the support available for our employees who are suffering with stress. It also outlines the structures TSAT have in place to promote health and wellbeing.

### Support Structures

All employees are encouraged to talk to their line managers if they are feeling stressed, with both external factors and work-related stress. This will enable line managers to develop appropriate measures to control risk associated with stress at work. Employees need to ensure they do not endanger their own health and safety from stress.

When an employee is identified as suffering from stress, a number of measures are available to support the member of staff. The employee's line manager will discuss with the employee with advice from HR on which of these structures are appropriate.

Possible supports structures can be one or more of the following;

#### Individual Stress Risk Assessment:

This will identify the factors leading to work related stress and define possible ways of reducing pressure at work and establish an appropriate level of support. Line managers should obtain guidance from HR on completing a stress risk assessment

#### Thinking You:

The Trust wellbeing pages can be accessed:

<https://www.tsatrust.org.uk/about/thinking-you/> and enter the password:

Th1nk1ngYOU



This will give access to a range of resources that are available through the Trust to support wellbeing.

#### Access to free confidential counselling service:







A confidential counselling service is available for all Employees across the Trust provided by Smart Clinic. The service offers information, advice and support 24 hours a day, 7 days a week. This includes a telephone support line, access to advice and information, coaching and counselling where appropriate. To access the service please use the contact details below:

- Telephone: 0845 862 2113

- Access the online services via [www.client.smartclinic.com](http://www.client.smartclinic.com) and use your personal log in details.  
Download the app for convenience – details are available online



**Employee Assistance:**

<p><b>24-hour employee assistance line</b></p>  <p>Access to 24-hour support from a trained counsellor, legal or financial specialist. Just call 0845 862 2113 and quote Smart Clinic or login to your client area.</p>	<p><b>Self-support and guidance</b></p>  <p>A wealth of support, guidance and self-directed training programmes, supporting you with issues including anxiety, sleep issues, weight loss and stress.</p>	<p><b>App and online client areas</b></p>  <p>Smart Clinic services available in your pocket, whenever you want us. To get started, login to your client area and download the Smart Clinic app.</p>
<p><b>Mental health Therapies</b></p>  <p>Structured counselling, CBT, online CBT, anxiety management or stress coaching from the Smart Clinic team. Just login to your client area for access.</p>	<p><b>Online mental health</b></p>  <p>Online CBT and self-help courses available via your client area whenever you need them.</p>	<p><b>CPD Accredited courses</b></p>  <p>...including stress management, assertiveness and time management courses.</p>

**Occupational Health Referral:**

Managers can refer employees to an external occupational health advisor who can fully access an individual's stress and wellbeing. This would normally occur if stress levels were affecting an individual's health.

**Support for Line Managers**

Line Managers can access an e learning module, which covers; effective management of stress, identifying symptoms, causes and stress management techniques. For access, please contact James Fenlon at [j.fenlon@tsatrust.org.uk](mailto:j.fenlon@tsatrust.org.uk)

Line Managers can also discuss individual employee's wellbeing and stress with the Trust HR team on 033336 02050 or via email to [hr@tsatrust.org.uk](mailto:hr@tsatrust.org.uk)

Further detailed information can be found in the Trust's Wellbeing Policy.