

Sickness Absence Policy & Procedure

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Introduction

- 1.1 WHMAT recognises that its employees are its most important asset. The purpose of this Policy is therefore to ensure that sickness absence is managed fairly and consistently and to promote good health and well-being.
- 1.2 To achieve this, this Policy has an emphasis on early intervention strategies by managers such as:
 - 1.2.1 return to work meetings after each absence
 - 1.2.2 early referrals to occupational health, where appropriate
 - 1.2.3 maintaining reasonable contact during periods of sickness absence
 - 1.2.4 signposting employees to WHMAT's Employee Assistance Programme (EAP) and
 - 1.2.5 implementing reasonable adjustments where possible and appropriate
- 1.3 WHMAT accepts that most periods of sickness absence result in an employee being able to return to work within a reasonable period. However, it also acknowledges that there may be occasions when the level and/or duration of sickness absence is such that it may lead to termination of an employee's contract of employment as a last resort. This may be due to unsatisfactory attendance (short term sickness absence) or ill-health capability (long term sickness absence).
- 1.4 By implementing this Policy, WHMAT aims to strike a balance between the need of employees to take time off due to genuine ill-health and the need for employees to maximise their attendance at work in order to give the best possible opportunities for its pupils.

2.0 Scope

- 2.1 This Policy covers all employees, whether permanent or temporary, full or part-time and irrespective of level within WHMAT. It excludes contractors, consultants, agency workers or self-employed individuals working within WHMAT.
- 2.2 It will be used to cover short term sickness absence, long term sickness absence, or a combination of both (see definitions at 3.1 below). It does not form part of an employee's contract of employment but must be followed by all employees, unless there are exceptional circumstances.
- 2.3 Planned or unplanned absence **not related to an employee's sickness**, should be dealt with under WHMAT's Special Leave of Absence Policy. Alleged unauthorised or fraudulent absence may be treated as a conduct issue and investigated under WHMAT's Disciplinary Policy (see www.washwoodmat.com).
- 2.4 Failure to comply with the Policy may be dealt with under WHMAT's Disciplinary Policy.

3.0 Definitions

- 3.1 The following definitions are used in this Policy:
 - 3.1.1 "Short term sickness absence" means any period of sickness absence that lasts between half a day and twenty-seven working days. It usually takes the

form of one-off absences or absences that occur more regularly (see further at 7.4).

- 3.1.2 “Long term sickness absence” means any period of sickness absence lasting twenty-eight consecutive working days, or more than four continuous working weeks in the case of part time employees.
- 3.1.3 “Working day” means any day on which an employee would ordinarily work if they were a full-time employee. This means it may be different for teaching and non-teaching staff.
- 3.1.4 “Formal review period” means a rolling 12-month period following the issue of an Attendance Improvement Plan (AIP) or a 6-month rolling period following the issue of a second AIP, during which an employee is required to show an improvement in their sickness absence levels under this Policy (see further at 19.0 and 20.0).
- 3.15 “Absence Reviewer” means the person(s) responsible for conducting return to work meetings and other formal meetings, excluding Final Case Hearings, in line with this Policy (see appendix 1)
- 3.16 “Final Absence Reviewers” means the person(s) responsible for conducting Final Case hearings under this Policy (see appendix 1)
- 3.17 “Appeal Managers” means the person(s) responsible for carrying out any appeals under this Policy (see appendix 1)

4.0 Disabilities

- 4.1 An individual who has been absent from work due to a disability as defined by the *Equality Act 2010* has protection under that Act.
- 4.2 WHMAT acknowledges that sickness absence may result from a disability. At each stage of this Policy, particular consideration will be given to whether there are reasonable adjustments that could be made to the requirements of a job or other aspects of working arrangements that will provide support at work and/or assist a return to work. Adjustments may also need to be considered when applying the absence indicators at 17.0 to disabled employees.
- 4.3 If an employee considers that they are affected by a disability or any medical condition which affects their ability to undertake their work, they should inform their line manager and/or HR at the earliest opportunity, so that reasonable adjustments can be considered.

5.0 Confidentiality & data protection

- 5.1 All information regarding an employee’s health or personal situation should be treated confidentially and sensitively. Employees should be aware that sometimes line managers will need to ask them about their health where this is affecting attendance. If an employee is uncomfortable discussing these issues with their line manager or absence reviewer, they can request to speak to a different manager.

5.2 All employees who hold or process records regarding an employee's health must ensure that they are held securely and for no longer than is necessary in accordance with the Data Protection Act 1998. All records relating to an employee's sickness absence should be kept in secure, lockable cabinets to ensure confidentiality.

6.0 Roles & responsibilities

6.1 WHMAT Board of Trustees

- To review and approve this Policy in line with recommendations from the Director of HR
- To delegate responsibility for day to day management of issues to WHMAT's HR colleagues, CEO and heads of academy as appropriate
- To participate in final case hearings and/or appeals as appropriate

6.2 WHMAT's HR Colleagues/Cover Managers

- Day to day management of employee sickness absence in line with the WHMAT Sickness Policy (HR)
- To be responsible for logging, recording and monitoring sickness absence and making recommendations to Heads of Academy/CEO (for head office employees) as to next steps in line with this Policy
- Providing sickness absence statistics to the Director of HR for their base academies so that absence levels can be monitored across WHMAT and interventions put in place to reduce

6.3 Other line managers:

- To conduct return to work and formal attendance management meetings in line with the Policy (see paragraphs 14 & 18-27)
- To maintain reasonable contact with employees who are off work due to sickness (see paragraph 10 for guidance)
- To make decisions on next steps in line with this Policy and with advice from HR

6.4 Employees:

- To achieve the highest level of attendance possible and to take reasonable steps to aid their own recovery
- To remain in contact with their line manager and cover colleagues during periods of sickness absence as per the requirements of this Policy
- To comply with absence reporting and notification arrangements
- To ensure medical advice and treatment, where appropriate, is received as quickly as possible in order to facilitate a return to work
- To attend return to work meetings and any other required meetings where required
- To promptly report accidents or injuries sustained at work

7.0 Reporting sickness absence

Day 1

- 7.1 On the first day of sickness absence, employees must contact the appropriate cover line/cover manager or other nominated line manager as soon as reasonably practicable and in line with times prescribed by their individual academies.
- 7.2 The following details should be provided, either by telephone or via an absence answerphone:
- 7.2.1 Name and the nature of the illness or injury (please note that “not feeling well” is not an acceptable reason for calling in sick and that HR need to log the reason for absence on the HR portal).
 - 7.2.2 The expected length of the absence, if known (important in order to determine cover arrangements) and your contact details.
 - 7.2.3 Where possible, basic details of work set for each class, or for non-teaching staff, details of any meetings that need to be cancelled or urgent outstanding work that requires attention (important for cover staff and to ensure continuity for pupils and fellow colleagues)
- 7.3 Contact should be by telephone unless this is not practical e.g. school holidays for teaching staff or because the employee is unable to talk due to the nature of their illness. The employee should also be prepared to briefly discuss any consequences of their absence, e.g. if meetings need to be cancelled or lessons covered at short notice. The call should be made by the employee direct, rather than by a partner or friend unless there are exceptional circumstances e.g. hospitalisation or due to the nature of the absence.
- 7.4 If an absent employee does not know how long they will be off sick, they must continue to call cover (or other nominated contact) on a daily basis, or before the end of the school day, so that cover can be planned. If they have a Fit Note from their GP or know that they will not be able to return to work the day after, or for the rest of the week, daily contact is not required but employee and line manager should maintain reasonable contact, in line with paragraph 10 of this Policy.

Day 4

- 7.4 If an employee is still unfit for work after 3 successive working days, they must again contact their Cover Line/Cover Manager or nominated line manager on day 4 to provide an update on when they think they may return to work. Employees are also encouraged to keep in touch with their Head of Department or Line Manager.

Self-certification of sickness absence – Days 4 to 7

- 7.5 If sickness absence lasts for 4 to 7 calendar days in a row, the employee will be given a self-certification form during their return to work meeting for completion and returning promptly to their cover manager. This form sets out the dates of absence and the nature of the illness or injury (see example form in toolkit).

Fit Note – Day 8 onwards

- 7.6 Whilst an employee can self-certify for days 4 to 7 of their sickness absence, all sickness that lasts longer than 7 continuous calendar days requires a Fit Note (also known as a Statement

of Fitness for Work). In these circumstances, employees are required to obtain this medical evidence from their GP or hospital and send it in to their Cover Manager (secondaries) or other person responsible for managing cover by no later than day 10 of the absence. The Fit Note must cover academy holidays as well as term time. The employee should retain the original for the purposes of claiming benefits. Further certificates must be provided as they become due.

7.7 A GP has 2 options on the Fit Note. They may recommend that an employee:

7.7.1 Is “not fit for work”, in which case the employee should remain off work for the time period recommended by the GP unless they feel better before the time period specified. WHMAT will treat this as evidence for an employee’s contractual sick pay. Managers should record the date that the Fit Note is due to expire and maintain reasonable contact with the employee during the absence, so that a return date can be agreed and planned for (see further at 10 below). Employees who perceive that they are able to return earlier than the date recommended, should notify their line manager in advance to explain when they wish to return so that a return to work discussion can take place on their return date and before formal duties are undertaken. The line manager will then need to talk through the early return with the employee and record in writing their desire to return earlier than recommended (see RTW record form in toolkit); or

7.7.2 “May be fit for work”, if the GP’s recommendations are followed (for example, a phased return, amended job duties, altered hours of work, or workplace adaptations). If a GP provides a Fit Note like this, the employee should inform their line manager immediately, so that the recommendations can be discussed in a return to work planning meeting (see 14.0 below). Whilst there is no legal obligation on WHMAT to follow the recommendations in a GP’s Fit Note, managers will take these seriously and give fair consideration to them, in consultation with the employee and HR/Occupational Health (OH) as appropriate. If an academy is unable to accommodate all or any of the GP’s recommendations, the employee will remain on sick leave and a date will be agreed with the employee to review the situation.

7.7.3 Employees can no longer be signed back to work and there is no option on the Fit Note for this to be recommended. If a GP believes that an employee is Fit for Work, they will not be issued with a Fit Note.

Fit Notes – Exceptional Circumstances

7.8 Ordinarily, and as set out elsewhere in this policy, WHMAT will not require a Fit Note until an employee has been absent for more than 7 continuous days. However, in limited circumstances, such as when an employee is off sick on the last day of term prior to a school holiday or compulsory closure, or where we are concerned about the reason for short term absences, WHMAT **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 base 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 HR or another designated manager, when they became well (see contact numbers in toolkit and/or staff handbook).

Leaving work due to sickness

- 7.9 If an employee comes to work, but needs to leave during the day because of sickness, they should inform the Head (Deputy if Head is not available) before leaving. Head Office staff should inform the CEO or her PA. Sickness absence that begins part way through the day will count as half a day's absence if the employee has completed less than 50% of their working day/contracted hours. If the employee needs to leave early but has completed more than 50% of their working day/contracted hours, it will not be recorded as sickness absence (see toolkit for examples).

8.0 Recording sickness absence

- 8.1 HR colleagues &/or Cover Managers must promptly record employee sickness absence on the HR portal (this includes absence of the CEO and/or Heads of Academy). This must be kept up to date and accurate so that absence monitoring reports are accurate and reliable and so that employees are able to receive appropriate sick pay entitlements.

9.0 Accidents, injuries & assaults

- 9.1 If an employee considers that their sickness absence has been caused by an accident, injury or assault in the workplace, they should report this promptly to the Head of Academy and Cover Manager (CEO in case of head office staff). The employee must ensure that an accident form is completed within 5 working days of the incident taking place and that this is passed to their line manager. A copy of the accident form pro-forma appears in the toolkit.
- 9.2 Staff injured at work will be informed of the provisions contained within the Conditions of Service for School Teachers in England and Wales (Burgundy Book) paragraph 9 and the National Agreement on Pay and Conditions of Service (Green Book) paragraph 10.2 (see toolkit).
- 9.3 Injuries which fall under the *Reporting of Injuries, Diseases & Dangerous Occurrences Regulations 2013 (RIDDOR)* must be reported to the Health and Safety Executive by WHMAT (see further in toolkit).

10.0 Maintaining reasonable contact during sickness absence

- 10.1 There is a shared responsibility between managers and employees to maintain reasonable contact during periods of sickness absence. What is reasonable will depend on the nature of and duration of the illness. Weekly contact will generally be regarded as reasonable. However, this may be relaxed by WHMAT if a Fit Note or occupational health report indicates that such contact would worsen an employee's condition and delay their return to work, or alternatively, by agreement between an employee and their line manager.
- 10.2 Employees who have followed the sickness reporting procedure for short term sickness absence (see 7 above) will not be contacted at home unless the Head of Academy or designated person can demonstrate urgent or extraordinary circumstances justifying the contact. Employees will not be asked to undertake any work from home unless they wish to do so.

- 10.3 If an employee is absent on long term sick leave, the employee should expect to be contacted from time to time by their line manager or other designated point of contact. The purpose of the welfare chat(s) will be to a) discuss their wellbeing & expected length of continued absence from work; b) to signpost them to appropriate support such as WHMAT's EAP/Counselling service; and/or c) to discuss a referral to OH or other appropriate interventions (e.g. a stress risk assessment for somebody absent due to work-related stress). Such contact is intended to be supportive and to prevent the employee from becoming isolated, provide reassurance and will be kept to a reasonable minimum. Managers should try and agree the best method and frequency of contact during this period, so as to keep stress to a minimum (see letter in toolkit).
- 10.4 Any contact arrangements should be sensitive to the employee's needs and circumstances. In some cases, for example serious and/or terminal illnesses, it may be appropriate for contact to be maintained between HR and a trade union representative, work place colleague or close family friend rather than direct contact by the line manager. Weekly or fortnightly contact will usually be expected in cases of long term sickness absence. However, this may be relaxed if a Fit Note confirms that this may hamper an employee's return to work or, alternatively, by agreement between the employee and their line manager.
- 10.5 Home visits or meetings in an agreed neutral venue can be a valuable tool to support employees who are absent due to long term sickness. However, these should only be carried out with the employee's consent and be carried out in a sensitive and supportive manner by the Head of Academy (CEO for head office staff). Home visits will therefore only be made where absolutely necessary and in order to discuss the support that can be provided to facilitate a return to work, the anticipated return date and in order to keep the employee informed about changes at work.
- 10.6 In the event that a Head of Academy is absent due to sickness, the CEO will maintain reasonable contact and will be responsible for updating HR on duration/dates of sickness absence. In the event that the CEO is absent due to sickness, this shall be managed by the Chair of Directors in consultation with the Director of HR.

11.0 Unauthorised absences

- 11.1 Cases of unauthorised absence e.g. because an employee has not turned up for work and has failed to follow the sickness reporting process at 7.0 above may be dealt with under WHMAT's Disciplinary Procedure. Before any formal action is taken, the line manager or other designated manager will attempt to make contact with the employee to explore the reasons for not reporting to work. The matter would be investigated and the employee given a reasonable opportunity to provide a response.

12.0 Absence related to stress or mental health

- 12.1 As part of their ongoing duty of care, line managers should still endeavour to maintain reasonable contact with employees who are absent due to stress or other mental health conditions. If, however, an employee perceives a particular manager to be the cause of their stress, they should be invited to nominate an alternative welfare contact. Depending on the circumstances, it may be appropriate for contact to be maintained between HR and a nominated trade union, work place colleague or close friend/family member.

12.2 Employers such as WHMAT have a duty under health and safety legislation to assess the risk of stress-related ill-health that arises from work. If an employee informs WHMAT that they are absent due to work-related-stress, they will be offered an opportunity to meet with HR to carry out an impartial individual stress risk assessment (see guidance in toolkit). The purpose of the 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. Other early intervention strategies may include a) an early referral to OH; b) reasonable adjustments to an employee's role/duties; and/or c) signposting the employee to confidential counselling via Perkbox on 0800 075 1660.

12.3 WHMAT recognises that mental health issues are common in today's society. Each case would therefore need to be considered in isolation and advice sought from HR as appropriate.

13.0 Sick Pay

13.1 Eligibility for statutory and/or contractual sick pay will depend on whether an employee is a teacher or support staff. Terms are set out in individual contracts of employment and in the Burgundy Book (teachers) and Green book (support staff). Further details can be found in the toolkit.

13.2 If an employee does not comply with this Policy, contractual sick pay may be withheld but statutory sick pay may still be payable.

14.0 Return to work meetings/return to work planning meetings

14.1 In line with ACAS Guidance, a return to work meeting should be carried out **after every period of sickness absence, regardless of the duration and a return to work form completed by the Absence Reviewer (see toolkit)**. This includes absences related to disability, pregnancy, injury/accidents at work. The meeting should be held in a confidential place where disruptions are minimised and should take place within 3 working days of the return date unless there are exceptional circumstances. They should not be onerous but need to be completed as part of WHMAT's duty of care and for absence monitoring purposes.

14.2 If the employee is close to reaching one of the absence indicators at 17.0, then an informal discussion advising the employee of where they are in the procedure should take place at the return to work meeting, so that the Absence Reviewer is clear whether the employee needs to be invited to a Stage 1 – Short Term Sickness Absence Review Meeting (see paragraph 19).

14.3 Employees returning after a period of long term sickness absence, or when other reasonable adjustments need to be discussed beforehand (where the GP has advised that the employee "may be fit"), should attend a return to work planning meeting with the Absence Reviewer before they return to work. If appropriate measures/recommendations cannot be made by management, an employee may need to remain on sick leave and a date set with the absent employee to review the situation.

14.4 Return to work meetings normally take place between an employee and a nominated Absence Reviewer (see appendix 1). Whilst employees do not have a statutory right to be accompanied by a workplace colleague or trade union representative at a return to work meeting or a return to work planning meeting, this support may be beneficial depending on

the individual circumstances and provided that this does not unreasonably delay the meeting from taking place.

14.5 The purpose of the return to work meeting is to:

14.5.1 Welcome the employee back to work & discuss their fitness to return

14.5.2 Clarify the reason(s) for the absence

14.5.3 Ensure all relevant paperwork is complete/handed over (self-certificate days 1-7 of absence and Fit Note from day 8, or accident form in case of accidents or injuries sustained at work)

14.5.4 Discuss any support or adjustments that may be appropriate

14.5.5 Review the sickness absence record for accuracy and discuss the number of working days lost due to sickness absence in the last 12 months.

14.5.6 Where appropriate, to complete the necessary risk assessment e.g. for pregnancy-related absence, cases of work-related stress, or because an employee wishes to return to work before the date recommended on a Fit Note

14.5.7 Provide an update on work matters & give the employee an opportunity to raise any other matters that they wish to discuss, such as arranging any training missed whilst they were off sick

14.5.8 Complete and sign off the return to work meeting form and promptly pass to HR, so that this can be used for absence monitoring purposes.

15.0 Phased returns to work

15.1 WHMAT **may** offer an employee who has been absent for a period of more than 28 consecutive working days (e.g. long term sick), the opportunity to complete a phased return to work. This enables the employee to build up their hours of work and duties gradually whilst on full pay.

15.2 The duration of a phased return will not normally exceed four working weeks except in exceptional circumstances and depending on appropriate medical advice.

15.3 The details of any phased return should be agreed between the employee and their line manager **before** they return to work. For guidance and a manager's checklist, see toolkit.

15.4 If the Absence Reviewer is able to agree to the phased return being requested, a brief 'Phased Return Plan' must be agreed between the line manager and the employee. A model appears in the toolkit. However, this should normally include:

- Timescale and review points
- Training and support to be provided
- Details of any reasonable adjustments to the workplace, including equipment to be acquired or modified, where relevant
- Details of the employees' reasonably adjusted duties and any duties that may have been allocated to another person

- Details of information to be shared with other staff and pupils concerning the employees' return
 - Schedule of reasonably adjusted hours of work, showing a gradual return to contracted working hours
 - Where relevant, confirmation that the employee will be allowed to be absent during working hours for rehabilitation, assessment or treatment. Employees will be asked to arrange appointments outside of the adjusted working hours where possible
 - Any other relevant information.
- 15.5 If based on an academy's needs, it is not possible to accommodate the proposals made by an employee's GP or WHMAT's OH provider about the phased return, this will be discussed with the employee in confidence in a return to work meeting or a return to work planning meeting, and they may need to remain off sick until they have fully recovered, or a mutually agreeable alternative can be considered e.g. a temporary or permanent change to hours.

16.0 Occupational health referrals

- 16.1 WHMAT is committed to supporting individuals to remain at work or to return to work. A referral to OH may be made at any stage of an employee's sickness absence. Provided that managers prepare detailed referrals and ask appropriate questions (see toolkit for guidance), an OH report can assist managers to understand the implications of the employee's ill-health on their ability to undertake their role.
- 16.2 We may, at any time in operating this policy, ask an employee to consent to a medical examination by our Occupational Health provider, at our expense, to establish whether there are any medical or work-related reasons for the employee's absence(s) and to establish any reasonable steps to help the employee sustain attendance at work or return to work in the case of long term absence. In addition, an employee may request their line manager or HR to make a referral on their behalf, where necessary and appropriate.
- 16.3 Managers must explain the reason for the OH referral to the employee and obtain their consent before sending it off to OH (see letter in toolkit). An employee consents by signing the OH referral paperwork (including the questions that WHMAT would like OH to answer). A letter, telephone call or home visit by the nominated Absence Reviewer may be necessary to allay any concerns the employee may have. This must be done sensitively and home visits should only be undertaken by mutual consent (see toolkit for suggested letters).
- 16.4 If a WHMAT employee does not consent to attend or misses more than one pre-planned OH appointment without reasonable excuse, they should be advised that any subsequent management action under this Policy may be less beneficial to them (see letter in toolkit). In these circumstances, permission may be sought from the employee to contact their doctor for a medical report, and they have the right to see this report and query items in it before it is sent to WHMAT. In addition, under the conditions of service for teachers (Burgundy Book), a teacher who has prolonged or frequent absence levels due to sickness is not entitled to be paid sick pay unless, at the academy's request, they attend an examination by an approved medical practitioner (such as an occupational health provider). The conditions of service for support staff (known as the Green Book) require support staff to attend a medical examination with a medical practitioner nominated by WHMAT (such as an occupational health provider) at any time.

- 16.5 Advice and guidance on making the referral and dealing with the report once received should be obtained from HR.
- 16.6 Before making any decision to dismiss an employee under this Policy & Procedure, WHMAT will have referred an employee for at least one OH assessment. If, however, an employee does not engage with the process, WHMAT will have no option but to proceed to make decisions without the benefit of medical advice.

17.0 Absence Indicators

- 17.1 Absence indicators can help WHMAT manage attendance by:
- 17.1.1 alerting Absence Reviewers to the fact that an employee is having frequent and regular sickness absence; and/or
 - 17.1.2 encouraging early dialogue with employees in order to improve attendance levels and establish clear expectations; and/or
 - 17.1.3 providing a consistent approach when monitoring attendance levels; and/or
 - 17.1.4 helping WHMAT academies identify possible trends so that preventative measures can be put in place.
- 17.2 Whilst each case of sickness absence should be considered individually and may not result in formal action, **the Absence Reviewer should use the return to work meeting to discuss and review next steps if one of the absence indicators at 17.3 below has been met by the employee** (see 14.0 for details on return to work meetings).
- 17.3 For consistency, the following absence indicators should be used:

Short Term Sickness Absence

- 17.3.1 **Six or more separate sickness absences in any 12 month rolling period** (1 absence could last 1 working day or more, so an employee could meet this once they have been off for 6 single days in 12 months).
- 17.3.2 **Ten or more working days in any rolling 12-month period** (or the equivalent of 2 weeks for part time workers, e.g. if someone works 4 days a week, the indicator would be 8 or more working days in any rolling 12-month period). A sickness absence could last for 1 working day or more, so an employee could meet this once they have been off for one absence lasting 10 working days. This target will be reached if the total number of days absent reaches 10 but they have been absent less than 6 times)

Long Term Sickness Absence

- 17.3.3 **A continuous sickness absence lasting four continuous weeks/28 consecutive working days or more; and/or**

Other pattern causing concern

17.3.4 **Any other sickness absence trend which is giving cause for concern** e.g. the persistent Friday and/or Monday absentee or an employee who is repeatedly on sick leave at certain points in the year e.g. prior to lesson observations or on the last day before a school holiday.

18.0 Managing short-term sickness absence

18.1 “Short term sickness absence” means **any period of sickness absence that lasts between half a day and twenty-seven working days**. Irregular attenders are those employees who are frequently off work due to comparatively minor ailments. These may be caused by related or unrelated health conditions.

18.2 Irregular attenders are prevented by their absences from giving satisfactory service and if their attendance fails to improve after the steps referred to below, they may have their contracts terminated on the grounds of lack of capability arising from unsatisfactory attendance. WHMAT will judge each case on its merits, taking into account factors such as length of service, nature and duration of sickness absence.

18.3 If an employee has met one of the short term sickness absence indicators at 17.3, the Absence Reviewer will have been notified of this by HR/Cover and they must discuss this with them during a return to work meeting. This will take place within 3 working days of the employee returning to work, unless there are exceptional circumstances. During the return to work meeting, the Absence Reviewer will discuss the amount and reasons for the employee’s absence and decide whether or not to invite them to a Stage 1 – Short Term Sickness Absence Review Meeting. The Absence Reviewer may need to take advice from HR beforehand. Advice must be taken from HR beforehand if some or all of the absence taken has been pregnancy and/or disability-related, as the usual absence indicators may need to be adjusted.

19.0 Stage 1 – Short Term Sickness Absence Review Meeting (Stage 1 ARM)

19.1 If an employee has met one of the absence indicators above (see 17.3) and the Absence Reviewer has determined during a return to work that formal action is now necessary as the frequency and/or nature of sickness absence is problematic, the Absence Reviewer will invite them to a **Stage 1 Short Term Sickness Absence Review Meeting (ARM)**. The employee will be given 10 working days’ written notice of the date, time and venue of the meeting (see letter in toolkit). The letter will explain that the purpose of the meeting is to review the employee’s unsatisfactory attendance level. It should include any breakdown of absence periods to be relied upon by the Absence Reviewer, together with details of why they are concerned about the sickness absence and the possible consequences of the meeting (see letter in toolkit).

19.2 If, for good reason, the employee or their representative is unable to attend at the time specified, the Absence Reviewer should be informed and will agree an alternative time and date provided that this falls within five working days’ of the original date.

19.3 The meeting will be conducted by the nominated Absence Reviewer. A HR representative may be present to advise on due process and to take minutes (optional). The employee has the right to be accompanied to the meeting by a work place colleague or trade union representative.

19.4 At the meeting, the Absence Reviewer will:

- 19.4.1 Explain that the purpose of the meeting is to discuss the employee's unsatisfactory attendance due to short term sickness absence
- 19.4.2 Clarify that the aim of the meeting is to review a breakdown of the sickness absences and to discuss ways of improving their attendance and explore whether there are any underlying reasons for the poor attendance e.g. health issues or personal issues
- 19.4.3 Discuss and agree any actions that can be put in place to help the employee to improve their attendance
- 19.4.4 If there is an underlying health problem, or pattern of concern, refer the employee to OH and/or encourage the employee to book an appointment with their GP if this has not already been done
- 19.4.5 Discuss the likelihood of further absences and consider whether adjustments are appropriate or can be reasonably made to assist the employee to attend work more regularly
- 19.4.6 Remind the employee of the support that WHMAT can provide e.g. referral to OH, confidential counselling via Perkbox EAP and/or Das Legal Expenses insurance (see details in toolkit)
- 19.4.7 After a short adjournment, inform the employee of the outcome of the meeting and state that it will also be confirmed in writing to them within 5 working days, unless there are exceptional circumstances
- 19.4.8 The Absence Review Meeting form must be completed by the Absence Reviewer during the Stage 1 meeting (see pro-forma in toolkit)

19.5 The options for the Absence Reviewer are as follows:

No further action

- 19.5.1 In limited circumstances, e.g. if there are extenuating reasons for the absences, and/or the employee's attendance levels are not normally high, the outcome could be that the Absence Reviewer decides to take no further formal action at this stage. If this is the decision, the outcome letter should inform the employee of this and provide an explanation for the decision (see letter in toolkit). They should be advised that any further absences which cause them to reach the absence indicators may lead to a further Absence Review Meeting (Stage 1) and that the rolling period does not start again but is continuous; or

Attendance Improvement Plan (AIP)

- 19.5.2 An alternative outcome could be for the Absence Reviewer to make the employee subject to an AIP for a formal review period of 12 months from the date of the meeting. The Absence Reviewer will explain that the employee has 12 months to show an improvement in their attendance levels. This means being warned via the AIP that if they take more than 3 separate sickness absences, or more than 8 working days in the 12 months from the

meeting, they will be invited to a stage 2 Absence Review Meeting. The outcome letter should also explain this and give the employee the right of appeal against the AIP (see toolkit).

19.5.3 The Absence Reviewer should complete the AIP with the employee during the Stage 1 Absence Review Meeting (see pro-forma and guidance for managers on AIPs in toolkit).

19.5.4 The Absence Reviewer will use the AIP to record the content of the meeting. Confirmation of the outcome of the meeting, including a copy of the completed AIP and supporting notes will be sent to the employee within 5 working days of the meeting unless there are exceptional circumstances.

19.5.5 If the employee's sickness levels improve during the 12-month formal review period, i.e. they have taken less than: a) Three separate sickness absences from the date on which the AIP was issued (a sickness absence lasting half a working day or more); and/or less than eight or more working days (pro-rated for part time employees), the Absence Reviewer will write to them to confirm that no further formal action will be taken at this stage. However, they should be advised that any further absences which cause them to reach the absence indicators will lead to a further Absence Review Meeting (Stage 1) and that the rolling period does not start again but is continuous) (see letter in toolkit); or

19.5.6 If, during the 12-months from the date that the AIP was issued, the Absence Reviewer is notified that there has been no overall improvement in the employee's attendance levels, as they have either taken or exceeded 3 separate sickness absences or more than 8 working days, they will be invited to a Stage 2 – Short Term Sickness Absence Review Meeting (see below).

20.0 Stage 2 – Short Term Sickness Absence Review Meeting (Stage 2 ARM)

20.1 If the employee's short term sickness absence levels have reached or exceeded the absence indicators stated in the first AIP during the formal review period (see 18.8.5), the employee will be invited to a Stage 2 – Short Term Sickness Absence Review Meeting. The employee will be given 10 working days' written notice of the date, time and venue of the meeting. The invite letter should explain that the purpose of the meeting is to review the employee's continued unsatisfactory attendance whilst subject to an AIP/formal review period of 12 rolling months. In advance of the meeting, the employee should be provided with the documents relevant to their case (see toolkit).

20.2 The meeting will be conducted by the nominated Absence Reviewer (see appendix 1 of Policy). A HR representative may be present to advise on process and take minutes (optional). The employee has the right to be accompanied by a work-place-colleague or trade union representative.

20.3 At the meeting, the Absence Reviewer will:

- explain to the employee that the purpose of the meeting is to discuss the employee's continued unsatisfactory attendance;
- make clear to the employee that the aim of the meeting is to continue to find ways to improve his/her attendance;
- allow the employee to share his/her views;

- try to establish any underlying reasons for the employee's poor attendance level, for example a health issue or personal problems;
- gather as much further information as possible on any underlying reasons identified, without putting undue pressure on the employee to reveal more information than he/she wants;
- discuss and agree any further actions that can be put in place to help the employee to improve his/her attendance;
- if there is an underlying health problem, refer the employee to occupational health/encourage the employee to book an appointment with his/her doctor, if this has not already been done;
- remind the employee of the support that is available to the employee, such as occupational health and/or Perkbox employee assistance programme; and
- inform the employee of the possible outcomes of the meeting (see below), and adjourn briefly before confirming the outcome orally and in writing.

20.4 After the meeting, the Absence Reviewer will confirm the outcome in writing within 5 working days, unless there are exceptional circumstances (see toolkit).

Possible Outcomes

No further action

20.5 In limited circumstances, for example if there are extenuating reasons for the absences, the outcome of a short-term sickness absence review meeting (Stage 2) could be that the Absence Reviewer decides that it is not appropriate to move the employee to a second formal review period and AIP. If this is the decision, the outcome letter should inform the employee of this and provide an explanation for the decision (see letter in toolkit). The employee should be advised that any further absences which causes them to reach the absence indicators will lead to a further Absence Review Meeting (Stage 1) and that the rolling period does not start again but is continuous); or

2nd Attendance Improvement Plan (AIP)

20.6 An alternative outcome could be that the Absence Reviewer decides that the employee should be given a second/final Attendance Improvement plan (AIP) so that they have a final opportunity to show an improvement in their sickness absence levels. The AIP will last 6 months from the date of the meeting. The AIP Form will be completed by the Absence Reviewer during the meeting and will warn the employee that if they have any further sickness absences during the 6-month period, they will be invited to a Stage 3 Final Case Hearing. This will be confirmed in writing within 5 working days, unless there are exceptional circumstances. The 6-month period begins on the day after the AIP is issued. The outcome letter should give the employee the right to appeal against the AIP (see toolkit).

20.7 If the employee's sickness absence levels improve during the second formal review period/AIP (i.e. he/she has taken no further days off due to sickness), no further action will be taken. However, the Absence Reviewer should write to the employee explaining this and advising that any further absences which cause them to reach the absence indicators will lead to a further Absence Review Meeting (Stage 1) and that the rolling period does not start again but is continuous).

20.8 If during the formal review period, the employee takes time off due to sickness, they will be invited to a Final Case Hearing (Stage 3) by the nominated Final Absence Reviewer (see appendix 1).

21.0 Stage 3 - Final Case Hearing

21.1 The Final Absence Reviewer (see appendix 1) will invite the employee in writing to a Stage 3 Short-Term Sickness Absence Final Case Hearing.

21.2 The hearing will be chaired by the Final Absence Reviewer (see appendix 1). A HR representative will be present to advise on due process as well as a minute taker. The format for the hearing appears in the toolkit.

21.3 In advance of the meeting, the Clerk or HR will provide all parties with a bundle of documents relevant to the case (including a) the employee's absence records, b) any letters previously sent to the employee about his/her absence levels, particularly the letter setting out the outcome of the stage 2 short-term sickness absence formal review meeting; and c) any other medical evidence such as occupational health reports, GP's Fit Notes and/or medical reports as appropriate and d) a copy of the management case in support of the Stage 3 Hearing (see template in toolkit).

21.4 The written invitation should give the employee at least 10 working days' notice of the hearing. The letter should advise the employee who will be present and that the employee can be accompanied by a fellow worker or trade union representative. It should explain to the employee that the purpose of the hearing is to review the employee's continued unsatisfactory attendance levels during the stage 2 formal review period/AIP. Finally, the letter should warn the employee that a possible outcome of the hearing is that they be dismissed from WHMAT due to unsatisfactory/irregular attendance (see template in toolkit).

21.5 Ten working days' written notice of the date, time and venue for the hearing will be given to provide the employee with a reasonable amount of time to prepare their case based on the information that they have been provided with. The hearing will be arranged as soon as is practicably possible. If the employee has clarified the name of their trade union representative, WHMAT will make a reasonable effort to notify them in advance.

21.6 At the hearing, the Absence Reviewer/Presenting Officer will be asked to present their statement of case about the employee's unsatisfactory attendance and the impact that it has had on WHMAT pupils and/or business (see template in toolkit).

21.7 The employee, their representative and/or the Committee will also have an opportunity to ask any questions. The individual or panel who hear the matter at hearing stage will be different to the people who hear the matter at appeal stage.

21.8 The employee will be able to respond and present any evidence of their own and will be given a reasonable opportunity to ask questions about the management case.

21.9 The work-place-colleague or trade union representative may make representations to the Chair and ask questions, but should not answer questions on the employee's behalf. The employee may confer privately with their representative/work-place colleague at any time during the hearing.

21.10 Employees should make every effort to attend the hearing and not unreasonably delay the process. They may request a reasonable alternative date within 5 working days of the

original date if their chosen trade union representative or workplace colleague cannot make the original time and date suggested.

- 21.11 Where an employer or employee intends on calling relevant witnesses to the hearing, they should give advance notice that they intend to do this. If the employee wishes to rely on any documentation or witness accounts at the hearing, they must forward copies of this documentation to HR at their base academy at least 3 working days' before the hearing. Paperwork submitted late or on the day of the hearing itself will only be considered at the discretion of the Chair of the Committee.

Outcome(s)

- 21.12 Within five days of the Stage 3 Hearing, the Final Absence Reviewer will set out in writing the outcome of the Stage 3 Final Case Hearing (see toolkit).
- 21.13 The outcome of the hearing could be:
- 21.13.1 a decision to take no further action; or
 - 21.13.2 an offer to make reasonable adjustments to the employee's work (if this is possible); or
 - 21.13.3 redeployment within WHMAT with the employee's agreement; or
 - 21.13.4 a decision to dismiss the employee for unsatisfactory attendance; or
 - 21.13.5 a decision to extend the second/final AIP by setting a final formal review period for a rolling period of 6 months from the hearing
- 21.14 The employee will have a right of appeal. The employee should be informed of his/her right of appeal in the outcome letter within 5 working days of receiving the outcome letter.

22.0 Appeals – Short Term Sickness Absence

- 22.1 An employee who is given an AIP or is dismissed under this procedure has the right of appeal to Appeal Manager(s) who have had no previous involvement in their matter. The appeal letter should be sent in writing to the Clerk of the board of trustees setting out the grounds on which the employee believes that the decision was flawed or unfair.
- 22.2 The employee should lodge their appeal within five days of receiving written confirmation of the sanction imposed on them at stages 1, 2 or 3 (Final Hearing).
- 22.3 An appeal meeting will be convened as soon as reasonably practicable. The employee will be entitled to be accompanied by a fellow employee or a trade union representative.
- 22.4 At the meeting, the decision to impose the sanction will be reviewed and the employee will be entitled to make representations about the appropriateness of that decision.
- 22.5 The outcome of the appeal will either be that it has been a) upheld/agreed, which may mean that the employee is reinstated to their former role or redeployed to another WHMAT

academy doing the same or a different role (with their agreement), or b) dismissed/not agreed. This will usually mean that the original decision to dismiss stands.

- 22.6 The outcome will be confirmed to the employee in writing, within a reasonable period, explaining the grounds on which the decision was reached. The outcome of the appeal will be final.

23.0 Managing long term sickness absence

- 23.1 All cases of long-term sickness will be unique and the approach taken by Absence Reviewers needs to give consideration to the nature of the illness and the likely duration. Some cases may relate to a major operation where there is an understanding of recuperation timescales, whilst other cases may be in relation to terminal illness. Managers should be sensitive to individual circumstances.

- 23.2 If an employee has been absent for a consecutive period of 28 working days' or more (or a 4-week continuous period for part-time staff), the Absence Reviewer should:

23.2.1 **Maintain reasonable contact throughout the sickness absence** (weekly or fortnightly contact may be reasonable) (see further at 10 and letter in toolkit)

23.2.2 Consider whether to make a referral to occupational health with HR's support **by week 4** of the absence (see further at 16)

23.2.3 **If it is known that the absence will continue for a consecutive period of more than 28 working days**, arrange a home visit or a meeting at a mutually agreed venue to conduct a Stage 1 - Welfare Review Meeting (see paragraph 24 below)

23.2.4 If the employee has not been able to return to work **by week 8 of continuous absence**, invite them to attend a Stage 2 Welfare Review Meeting (see 24 below)

23.2.5 If the employee has been **unable to return to work by week 12 of continuous absence**, convene a Stage 3 Case Management Meeting (see 26 below)

23.2.6 Hold a Stage 4 Final Case Hearing if the employee is unable to return to work within a reasonable period after the Stage 3 Case Management Meeting.

24.0 Stage 1 - Welfare Review Meeting

- 24.1 In most cases the employee will be invited into the workplace for this review meeting. However, it can be held at their home or a suitable alternative 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. A record of this meeting will be provided by the Absence Reviewer within 5 working days of the meeting unless there are exceptional circumstances.

- 24.2 If the employee is too ill to attend a meeting, another form of communication may be agreed.

- 24.2 The purpose of the Stage 1 - Welfare Review Meeting is to:

- Consult with the employee to obtain an update on their condition and, if possible, assess a likely timescale for a return to work
- Discuss any adjustments to their working arrangements which could facilitate their return to work (for example physical adjustments, a phased return or temporary part-time working) and consider any that the employer is proposing
- Enquire about what support or treatment the employee is receiving to assist their return to work
- Discuss information received from occupational health or other medical professionals to date, or if a referral has not yet been made, discuss the paperwork and process with them (including obtaining their consent for the referral)
- Offer any support during their absence, including access to confidential counselling via Perkbox on 0800 075 1660.
- Explain to the employee that if they do not return to work within a reasonable timeframe then dismissal on the grounds of capability may be considered and actioned as a last resort.
- Set a date after which the sickness absence will be reviewed again in a Stage 2 Welfare Review Meeting. This should take place no earlier than 8 weeks from their first day of continuous absence (see below).

24.4 After the Welfare review meeting (stage 1), if an employee's long term absence is continuing with no date of return, a Stage 2 Welfare Review Meeting will be arranged. The meeting will be an opportunity to discuss with the employee the possibility that they will not return to work, alternatives to returning, and the relevant consequences.

24.5 If the employee returns to work following 4 weeks of absence but before 8 weeks of absence, the Absence Reviewer should consider if it is appropriate to issue an Attendance Improvement Plan (see 19.5.2 above)

25.0 Stage 2 - Welfare Review Meeting

25.1 The purpose of this meeting will be to:

- Consider whether there have been any changes since the Stage 1 Welfare Review Meeting regarding a possible return to work, adjustments to their role on a temporary or permanent basis, or opportunities for redeployment within WHMAT
- Consider the latest medical evidence available (occupational health report/Fit Notes/Consultant or other additional medical advice)
- Consider whether there is a reasonable likelihood of the employee returning to work in the foreseeable future

25.2 If at the Stage 2 - Welfare Review Meeting, it is clear from the medical information available and/or from the employee's own representations, that the employee has no confirmed date to return to work (within the foreseeable future), and OH have confirmed that they are not eligible for ill-health retirement, the Absence Reviewer may seek a further medical opinion from OH or the employee's GP to establish whether the employee will be able to return to work in the foreseeable future.

25.3 If the Absence Reviewer concludes that there is no likelihood of return to work within a reasonable period, and the employee has had the agreed regular review meetings and been referred to occupational health, then he/she should refer the matter to a Case Management

meeting at week 12 to consider next steps. The employee should be notified orally and in writing of the next steps (see letter in toolkit).

26.0 Stage 3 - Case Management Meeting

26.1 If the employee has not been able to return to work by week 12 of continuous absence, a Stage 3 Case Management Meeting should be held. The employee should be informed in writing that this will be taking place and this should have been explained as a possible consequence at the Stage 2 – Welfare Review Meeting (see toolkit).

26.2 The employee does not take part in the case management meeting - it is a desk based exercise carried out by the Absence Reviewer, SLT member or Head of Academy and HR. Details of the meeting should be recorded on a Case Management Review Form (see toolkit).

26.3 The reason for the review is to:

- Look at the amount of time that the employee has had off to date and the likelihood of them returning to their role within a reasonable period
- Check that the right support has been put in place and that the policy has been followed to date
- Review all of the available medical evidence e.g. fit notes, OH report(s) and other consultant or GP reports as appropriate
- Confirm/agree any further required actions before the case goes to a Final Case Hearing e.g. referral to OH to see whether ill-health retirement applicable or review by OH if the latest medical report on file is more than 6 weeks old at the date of the Case Management Meeting
- Consider the impact that the ongoing absence is having on pupils' education, WHMAT budget and/or other colleagues, as appropriate
- Decide whether in light of the absences to date, and the medical advice or other available information, the case should now proceed to a Stage 4 Final Case Hearing (see 27.0 below).

Outcome

26.4 The outcome of the case review meeting could be that the Absence Reviewer decides to:

- review the case again at a later agreed date, so that the employee has longer to recuperate before any further action is taken; and/or
- seek further advice from Occupational Health e.g. whether ill-health retirement is appropriate
- consider offering the employee an alternative job role or making other reasonable adjustments that would allow the employee to return to work earlier. This will usually follow advice from OH and may be agreed on a short term or permanent basis subject to the needs of WHMAT and the facts surrounding the employee's illness.
- proceed to a Stage 4 - Final Case Hearing (see below).

26.5 Whatever the outcome, the absence reviewer shall write to the employee within 5 working days of the case review meeting, to let them know the outcome(s) (see case review template in toolkit).

27.0 Stage 4 - Final Case Hearing

Invite

- 27.1 At least 10 working days' before the hearing, the employee will be invited to a Stage 4 Final Case Hearing (see invite letter in toolkit). Enclosed will be a copy of the documentation that is to be referred to at the hearing (see toolkit for management report template). In addition, the invite should warn the employee that the hearing might result in their dismissal due to ill-health capability and/or unsatisfactory attendance.

Right to be accompanied

- 27.2 The employee may be accompanied at the hearing by a work place colleague or trade union representative. If the employee (or their representative) is unable to attend the hearing for a good reason, then it can be rearranged (within five working days' of the original date). Alternatively, the employee can submit a written statement and evidence to support or send a trade union representative or workplace colleague in their place. If the employee fails to attend the hearing without good reason, the Chair/Panel may, on advice from HR, proceed to hear the case in their absence.

Format

- 27.3 The hearing will be conducted by the Final Absence Reviewers (see appendix 1). A member of WHMAT HR will be present to advise on due process, as well as a minute taker. The format for the hearing appears in the toolkit.
- 27.4 At the hearing, the Absence Reviewer will present the management case including details of the employee's absences, outcomes from formal review meetings under this Policy and occupational health referrals and/or other medical evidence. The employee (or their representative) will be able to respond and state their case and call any appropriate witnesses.
- 27.5 After all of the evidence has been heard, the Final Absence Reviewers may decide to either:
- Take no further action at this stage but to set a further formal review period and arrange for the Hearing to be reconvened if the employee has been unable to return within this period; and/or
 - Seek a further medical opinion on the prognosis/likely return; and/or
 - Where appropriate, give consideration to alternative employment for the employee in another WHMAT Academy, subject to the consent of the employee and the Head of the base academy
 - Agree a date for a return to work meeting between the Absence Reviewer and the employee as the employee is now claiming to be fit to return to work (this would be on the proviso that the hearing is promptly reconvened if it turns out that the employee is

not fit enough to return or that WHMAT is unable to accommodate some or all of the adjustments/measures being requested by the employee if they return); or

- Dismiss the employee on the grounds of ill-health capability and/or unsatisfactory attendance with appropriate contractual notice.

27.6 The decision of the Final Absence Reviewers will be confirmed in writing to the employee, with minutes, within five working days of the hearing, unless there are exceptional circumstances. If the outcome is dismissal, the letter should include reasons, termination date and the right of appeal (see toolkit).

28.0 Appeals – Long term sickness absence

28.1 An employee who is dismissed under this procedure has the right of appeal to nominated Appeal Managers (see appendix 1). This will comprise a committee of board trustees who have had no previous involvement.

28.2 The appeal letter should be sent in writing to the Clerk to the board of trustees setting out the grounds on which the employee believes that the decision was flawed or unfair within 5 working days of receiving the outcome letter, unless there are exceptional circumstances.

28.3 An appeal hearing will be convened as soon as reasonably practicable after the Stage 4 - Final Case Hearing. The Clerk shall give reasonable notice of the hearing to all participants. The employee will be entitled to be accompanied by a fellow employee or a trade union representative.

28.4 The appeal hearing will focus on the grounds of appeal but, unless new medical evidence has become available since the dismissal, the hearing will not be a complete re-hearing of the matter.

28.5 At the hearing, the decision to impose the sanction will be reviewed and the employee will be entitled to make representations about the appropriateness of that decision.

28.6 After hearing all of the available evidence, the Appeal Managers will adjourn to consider the outcome of the appeal which may be:

- Dismiss/reject the employee's appeal (so that the original decision stands); or
- Uphold/accept the employee's appeal in full or in part and determine what further action should be taken
- Uphold/accept the appeal and amend or extend the formal review period of the AIP (appeals against AIPs only)

28.7 The Appeal Manager(s) may announce the decision orally to the parties or may notify the employee of the decision in writing within a reasonable period, explaining the grounds on which the decision was reached (see letter in toolkit). The outcome of the appeal will be final.

29.0 Pregnancy related sickness absence

- 29.1 If a pregnant employee works beyond the fourth-week before their expected week of childbirth and becomes ill with a pregnancy-related illness, her maternity leave will commence immediately.
- 29.2 WHMAT will not take into account any absence related to pregnancy or maternity when considering taking formal action under this Policy.
- 29.3 Sickness absence falling after the end of the maternity leave period (for example, for post-natal depression) will be treated in the same way as any other form of illness.

30.0 Health concerns unrelated to absence

- 30.1 Whilst the vast majority of cases considered under this Policy may relate to staff sickness absence, there may be rare cases of employees who are attending work but who appear to be unfit because of a particular medical condition or are behaving erratically (known as presenteeism). These conditions may lead the relevant pension scheme to grant ill-health retirement (see 33 below). However, it should not be assumed that that an employee is unfit for work just because they suffer from a particular medical condition.
- 30.2 If, however, an employee is in work but behaving erratically, the Head of Academy (CEO for head office staff) should be notified promptly. Depending on the circumstances, it may be advisable for the employee to be asked to go home and to make an appointment with their GP as soon as possible. An urgent referral to OH may also be necessary (see also medical suspension below).

31.0 Managing a combination of short term and long term sickness absence

- 31.0 Where an employee meets the absence indicators for short term and long term sickness absence, the 2 processes under this Policy may run in parallel e.g. an employee could be subject to an AIP, then start a period of long term sickness absence. However, the Absence Reviewer will need to manage the absence by reference to the latest type of absence. For example, by following paragraphs 18 to 22 for short term sickness and 23 to 28 for long term sickness absence. With this in mind, it will be reasonable in any management report or formal meetings under this Policy for the Absence Reviewer to refer to the amount of, reasons for and impact that both short and long term sickness absence has had on WHMAT.

32.0 Medical suspensions

- 32.1 The CEO or Head of Academy may medically suspend an employee where necessary if their condition appears to pose an immediate risk to the safety and well-being of children or colleagues. However, this action will only be taken on the advice of an appropriately qualified medical advisor about the risks associated with the individual's health. Each case should be judged on its circumstances. The Chair of WHMAT's board of trustees and/or the Director of HR must be informed and consulted prior to an employee being medically suspended. Any medical suspension must be confirmed in writing to the employee within 5 working days, unless there are exceptional circumstances (see toolkit).

33.0 Ill Health Retirement ('IHR')

- 33.1 WHMAT will consider an employee's eligibility for IHR before consideration is given to dismissing an employee for lack of capability due to ill health.

- 33.2 IHR for support staff in the Local Government Pension Scheme ('LGPS') must be certified by an independent occupational health adviser. For teachers, applications are assessed by medical advisers appointed by the DfE.
- 33.3 Support staff who are granted IHR under the LGPS still need to be dismissed at a hearing in order to access their benefits. However, dismissal is not required for teachers and they just need to agree an end date with HR once IHR has been granted and their pension has been awarded (see toolkit for further guidance).

34.0 Sickness Absence & Annual Leave (All-year-round support staff only)

Sickness during holiday

- 34.1 Where an all-year-round member of support staff falls sick or is injured while on annual leave, WHMAT will allow the employee to transfer to sick leave and take replacement holiday at a later time provided that they follow the internal sickness absence reporting procedure. However, in order to be eligible for this:
- The total period of ill health over 7 days must be fully certificated by a qualified medical practitioner (via a Fit Note)
 - The employee must follow the internal sickness absence reporting procedure as soon as they are sick during a period of pre-booked annual leave (see toolkit for who to contact during school holidays).
 - The employee must submit a written request no later than 5 days after returning to work, unless there are exceptional circumstances, setting out how much of the holiday period was affected by sickness and the amount of leave that the employee wishes to take at another time (see toolkit)
 - Where the employee is overseas when he/she falls ill or is injured, evidence must still be produced that the employee was ill by way of a medical certificate (if the absence is over 7 consecutive days) and for how long.
- 34.2 Where the employee fulfils all of the above conditions, WHMAT will grant the employee the same number of days' replacement holiday leave as the number of holiday days lost due to sickness or injury.
- 34.3 If an employee is ill or is injured before the start of a period of planned holiday, and is consequently unable to take the holiday, WHMAT will agree to the employee postponing the holiday dates to another mutually agreed time. The employee must submit a written request to postpone the planned holiday and this must be accompanied by medical evidence confirming that he/she is unfit, or is likely to be unfit, to take the holiday.
- 34.4 If a member of all-year-round support staff becomes ill during a period of planned annual leave, they will continue to accrue their statutory and contractual holiday entitlement and will be given the opportunity to take this at a later date. However, if this falls into the next leave year, they will only be able to carry forward any remaining leave from their statutory entitlement.

Carry over of annual leave

34.5 If an employee is unable to take their annual leave during the current leave year due to long term sickness absence, they will only be able to carry over any untaken leave up to the statutory leave entitlement (28 days including bank holidays for a full-time employee). For example, if an employee has taken 20 days leave and all bank holidays but they are entitled to 32 days' contractual leave, they will not be able to carry any leave forward as they will have used their statutory entitlement.

34.6 Sickness absences on Bank holidays may not be recovered.

35.0 Medical/Dental Appointments

35.1 WHMAT recognises that employees will, from time to time, need to attend medical or dental appointments and that it is not always possible to arrange these outside of working hours. However, employees should try to arrange medical appointments in their own time or, if this is not possible, at times that will cause the minimum amount of absence from work or inconvenience to WHMAT (first thing or last thing in the working day).

35.2 Time off for medical appointments should be requested via WHMAT's Special leave of Absence Scheme at www.washwoodmat.com.

35.3 Provided that the employee gives his/her line manager reasonable notice of the date and time of an appointment, and provides evidence of the appointment, time off with pay will normally be granted, although this is subject to the discretion of the Head of Academy (CEO for Head Office staff).

35.4 Where time off for medical appointments becomes frequent or regular, or starts to cause difficulties for the employee's department/team, the Head of Academy (CEO for head office staff) has the discretion either to grant any further time off without pay or to agree with the employee that they will make up the time on another occasion.

36.0 Policy Review

36.1 This Policy will be reviewed and amended annually by WHMAT in line with employment legislation and HR good practice. The Director of HR will monitor the application and outcomes of this Policy to ensure it is working effectively.

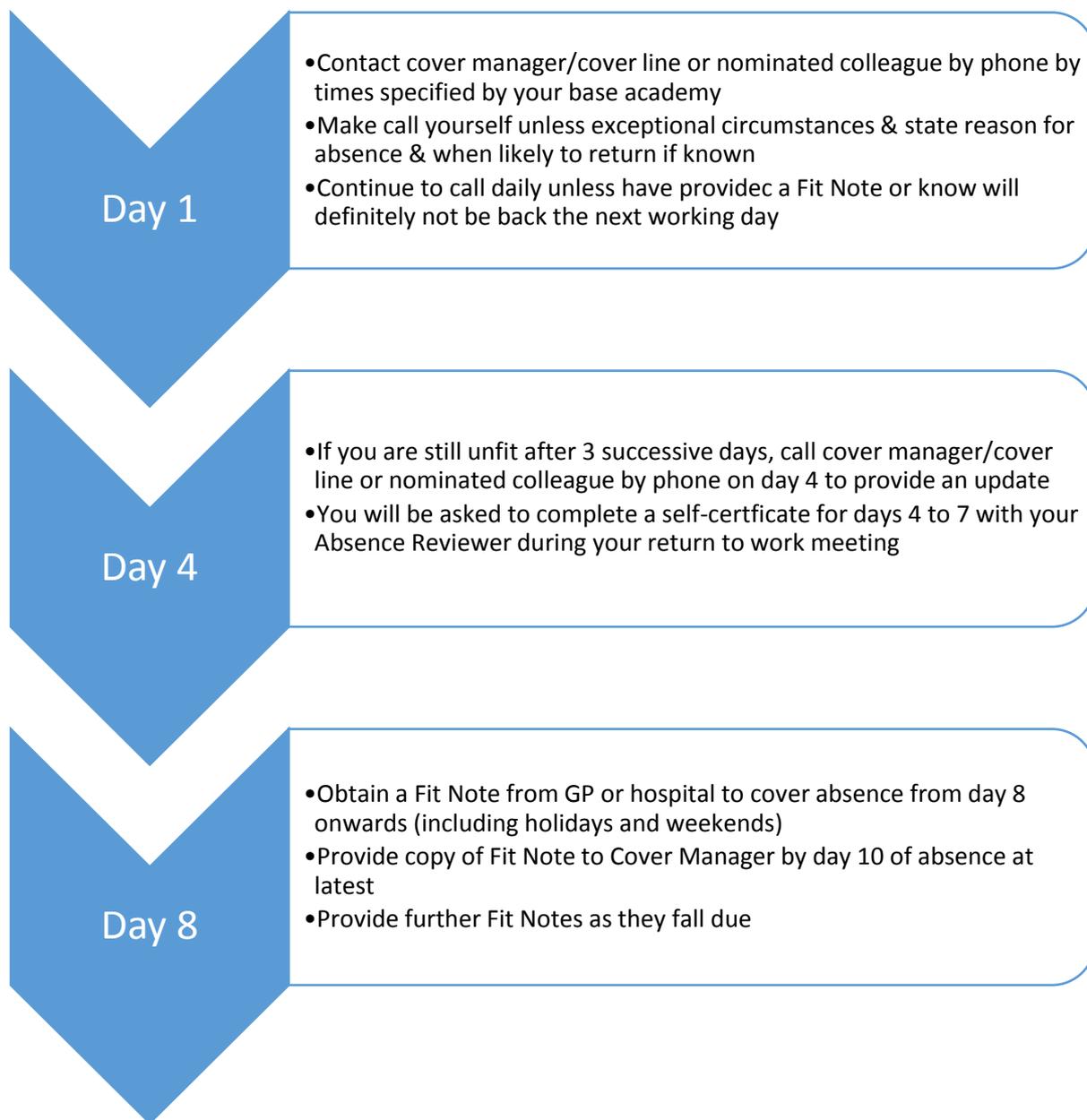
Appendix 1 – Absence Reviewers, Final Absence Reviewers & Appeal Managers

The table below sets out who will carry out the key stages under this policy

EMPLOYEE LEVEL	ABSENCE REVIEWER E.G. RETURN TO WORK MEETINGS & ALL FORMAL MEETINGS UP TO FINAL CASE HEARING	FINAL ABSENCE REVIEWER(S) E.G. FINAL CASE HEARING (SHORT TERM/LONG TERM SICKNESS OR COMBINATION)	APPEAL MANAGER(S) E.G APPEAL HEARING FOR DISMISSAL OR ATTENDANCE IMPROVEMENT PLAN (AIP)
CEO	WHMAT Chair of Trustees (or Vice-Chair) with support from Director of HR as necessary	3 Board of WHMAT Trustees not previously involved in matter	3 Board of WHMAT Trustees not previously involved in matter
HEAD OF ACADEMY	CEO with support from Director of HR as necessary	3 Board of WHMAT Trustees not previously involved in matter	3 Board of WHMAT Trustees not previously involved in matter
MEMBERS OF SENIOR LEADERSHIP	Head of Academy with support from local HR colleague	CEO (if no previous involvement) or 3 impartial Board of WHMAT Trustees	3 Board of WHMAT Trustees not previously involved in matter
OTHER TEACHING OR SUPPORT STAFF	Member of Senior Leadership Team or Senior Management Team with support from local HR colleague	Head of Academy (if no previous involvement) with support from HR, or 3 Board of WHMAT Trustees not previously involved in matter	3 Board of WHMAT Trustees not previously involved in matter
HEAD OFFICE STAFF	CEO with support from Director of HR as necessary	3 Board of WHMAT Trustees not previously involved in matter	3 Board of WHMAT Trustees not previously involved in matter
CATERING STAFF	Trust Catering Manager with support from HR as appropriate	Head of Academy (if no previous involvement) with support from HR, or CEO (if no previous involvement)	3 Board of WHMAT Trustees not previously involved in matter

NB – In law, only the Governing Body/Board of Trustees, as the employer of staff, has the power to terminate employment, so it is essential that WHMAT's scheme of delegation clarifies who has power to dismiss in the case of sickness cases

Appendix 2 - Reporting Sickness Absence



Appendix 3 Flow Chart – Short Term/Irregular Sickness Absence



Appendix 4 - Flow Chart – Long Term Sickness Absence

