



Absence Management Policy

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Introduction

1. About this Policy

- 1.1 The health and welfare of all employees within the Trust is of vital importance for they are the most important factor in ensuring the delivery of quality education to our pupils and raising school standards. The Absence Management Policy supports the management of employee wellbeing and attendance across the Community Inclusive Trust.
- 1.2 The overarching aim of the Policy and Procedure is to advise all employees of the correct process for managing sickness absence. The Policy aims to minimise the disruption to teaching and learning by optimising the levels of employee attendance.

2. Scope of the Policy

- 2.1 This Policy applies to all employees of the Trust. It does not form part of any employee's terms and conditions of employment and is not intended to have contractual effect. It is provided for guidance only and the Trust reserves the right to amend its content at any time.
- 2.2 The Policy takes into consideration the Equalities Act 2010 and, where necessary, will be adapted accordingly.

3. Policy Aims

- 3.1 There are four key aims of this Policy:
- To understand the causes of any absence and the effect it may have/will have on the employee's ability to carry out their job function effectively;
 - To provide support to employees to help them manage their health, work or welfare problems, including work-related stress;
 - To explore any options which could help employees to improve attendance and/or facilitate their return to work;
 - To outline the key stages of an absence management process and the potential outcome(s).
- 3.2 In addition, the Trust will bear in mind:
- Employees' rights to medical confidentiality;
 - Employees' expectations of fair and consistent treatment.
- 3.3 The Trust recognises different approaches may be required, depending on the nature of employees' absences. The procedure to be followed in the case of an acute or long-term medical problem ("long-term sickness absences") is set out in Point 21 of this Policy. The procedure to be followed in the case of persistent, intermittent short-term absenteeism ("short-term intermittent absences") is set out in Point 14 of this Policy.

Monitoring, Sick Pay and Entitlement

4. Monitoring Employee Absences

- 4.1 The schools within the Trust monitor the attendance of employees to enable the Trust to:
- Manage sickness absence effectively and increase attendance levels by supporting staff to return to work;

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- Provide a means by which problems may be identified and managed at an early stage and as individual cases progress;
- Ensure that information is available to the Head of School and the Local School Board (LSB) so that informed decisions can be taken to enable them to carry out their responsibility for ensuring that there is no risk to the health, education and welfare of pupils;
- Determine patterns of attendance which need to be investigated through appropriate management action.

4.2 Our monitoring systems will involve analysing data both at individual employee level and more generally across the workforce. This includes:

- Information gathering, recording and analysis;
- Investigation, assessment and reporting.

4.3 We are aware that sickness absence may result from a disability. At each stage of the sickness absence procedure, 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.

4.4 If you consider that you are affected by a disability or any medical condition which affects your ability to undertake your work, you should inform your Head of School or the central HR Team.

5. Statutory Sick Pay

5.1 Employees who are absent from work because of sickness will normally be entitled to receive Statutory Sick Pay (SSP) from the Trust provided they meet the relevant criteria.

5.2 Once the criteria have been met, SSP is not normally payable for the first three days of sickness absence, unless the employee has been absent and in receipt of SSP within the previous eight weeks. Thereafter, the Trust will normally pay SSP at the statutory rate in force for a maximum of 28 weeks to employees who are eligible for SSP and who have satisfied the Trust's sickness absence and notification requirements above. The Trust reserves the right to withhold payment of SSP where an employee fails to follow the correct procedure.

5.3 If two periods of incapacity from work of four or more days (PIW) occur within 56 days of each other they are linked to form one PIW. Each PIW has an entitlement of 28 weeks payment and SSP is paid on a daily basis, in respect of qualifying days, which are those days normally worked.

6. Sick Pay Entitlements

6.1 The Trust also operates a School Sick Pay Scheme (which includes the central team) in accordance with the national conditions of service for teaching staff and the national conditions of service for National Joint Council (NJC) staff. All payments made under this Scheme will include SSP payments where they fall due.

6.2 Teaching staff are entitled to the following sick pay in respect of bona fide sickness absence notified and certified in accordance with the required procedure set out above:

| | |
|---------------------------------------------|------------------------------------------------------------------------------------------------------------|
| During the first year of continuous service | Full pay for 25 working days and after completing 4 calendar months' service, half-pay for 50 working days |
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| During the second year of continuous service | Full pay for 50 working days and then half-pay for 50 working days |
| During the third year of continuous service | Full pay for 75 working days and half-pay for 75 working days |
| During the fourth and subsequent years of continuous service | Full pay for 100 working days and half-pay for 100 working days |

6.3 For the purposes of the above scheme:

- “Working days” means teaching and non-teaching days within “directed time” or in the case of a Headteacher, normal working days; and
- For the purposes of the above scheme, a “year” is deemed to be a rolling 12-month period.

6.4 The above entitlement will be pro-rated for part-time employees.

6.5 Support Staff on NJC Conditions for Local Government Services are entitled to the following sick pay in respect of bona fide sickness absence notified and certified in accordance with the required procedure set out above.

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|--------------------------------------------------------|-------------------------------------------------------------------------------|
| During the first year of continuous service | 1 month’s full pay and after completing 4 months’ service, 2 months’ half-pay |
| During the second year of continuous service | 2 months’ full pay and 2 months’ half-pay |
| During the third year of continuous service | 4 months’ full pay and 4 months’ half-pay |
| During the fourth and fifth year of continuous service | 5 months’ full pay and 5 months’ half-pay |
| During the sixth and subsequent years of service | 6 months’ full pay and 6 months’ half-pay |

6.6 For the purposes of the above, one month means the employee’s normal working days over the period of a calendar month. The above entitlement will be pro-rated for part-time employees.

6.7 The employee’s length of service for the above purposes will be calculated from the first day of sickness absence.

6.8 For the purposes of the above scheme, a “year” is deemed to be a rolling 12-month period.

6.9 The calculation of School Sick Pay will take into account any previous payments of School Sick Pay made in the year (as defined above in relation to Teaching and Support Staff) immediately before the first day of the current sickness absence.

6.10 Employees should claim any Social Security sickness benefits such as invalidity or incapacity benefits to which they may be entitled and are required to notify the Trust/School of any such payments which the Trust/School will deduct from the employee’s School Sick Pay.

6.11 The rules of the School Sick Pay Scheme do not imply that termination of employment may not take place before payment of School Sick Pay has been exhausted.

6.12 Staff sick pay entitlements form part of an employee’s contractual terms and conditions.

7. Notification

- 7.1 CIT will inform managers and employees in writing or by email when their full and half sick pay is due to be exhausted.
- 7.2 Sick pay will only be available to employees provided that they comply with the appropriate reporting procedure described.

Reporting Absence

8. Absence Reporting Procedure

- 8.1 Employees are required to contact the designated person, by phone, before 8am, or as soon as possible on the first day of absence, informing:
- The fact of their sickness absence;
 - The reasons for it;
 - Its expected duration;
 - The action the employee is intending to take e.g. visiting their G.P, seeking advice from a pharmacist etc; and
 - Any scheduled work that needs to be completed.
- 8.2 Employees must contact the designated person on each day of absence (unless covered by a Fit Note).
- 8.3 When an employee intends to return to work after a period of absence lasting more than one week they should inform the designated person on the day before they return to work.
- 8.4 When informing of their absence, teaching staff may also provide work to be carried out in their classes if they are able to do so. The designated person will arrange cover and will then ensure that work is either handed to the cover supervisor/supply teacher or place it on the teacher's desk where cover is to be carried out.
- 8.5 In exceptional circumstances when it is not practical to contact the designated person on the first or subsequent days of absence, each department should have contingency arrangements to ensure appropriate work is being set.
- 8.6 Text messages, e-mails or messages left with colleagues will not satisfy the Trust's sickness absence notification requirements and may result in any absence being deemed to be unauthorised (and may be subject to disciplinary action) and in the forfeiture of sickness payments, if any, that the employee would have otherwise been entitled to.
- 8.7 Notification must be made by the employee unless their incapacity is such that this is not possible in which case the employee should authorise a family member or friend to contact the designated person.

9. Absences under 8 Calendar Days

- 9.1 If the employee's non-attendance does not exceed 7 consecutive calendar days they will not require a 'Fit Note'.
- 9.2 Information about the reason for absence must be provided during a return to work meeting and records should be added to the employee's personnel file.

10. Absences over 7 Calendar Days

- 10.1 If the employee continues to not attend work past 7 consecutive calendar days, they must provide a 'Fit Note' issued by a relevant professionally qualified practitioner from the 8th day of non-attendance.
- 10.2 Fit Notes must be provided to the manager in a timely manner to cover all consecutive days from the 8th day of absence onwards. (Including days when the employee is not supposed to work.)
- 10.3 If at any point during the non-attendance episode, a Fit Note is not provided to cover all or part of the absence, the period not covered will be treated as unauthorised absence, and pay will be stopped until a Fit Note is received. Failure to provide a Fit Note without acceptable explanation may result in investigation under the Disciplinary Policy.

11. Return to Work Meetings

- 11.1 On returning to work following any episode of non-attendance due to ill-health, the employee must have a return to work interview which are normally carried out by their line manager or senior leadership team and a return to work form must be fully completed. This should be added to the employee's personal file.
- 11.2 The discussions should normally take place on the employee's first actual day back at work, on a face to face basis where possible. Where face to face meetings are not possible they should be conducted via video call. The form should be fully completed and the employee provided with a signed copy.
- 11.3 Following a period of Long-Term Absence, a return to work meeting must be held before the employee physically returns to work.
- 11.4 The manager will ensure the return to work discussion is conducted in private and in a supportive manner and follow the WARM approach.
- 11.5 The employee will attend the return to work meeting with their manager on request, be open and honest with the information and agree to work with the manager on any actions.
- 11.6 Return to work meetings are informal and employees will not normally be accompanied.
- 11.7 If an employee has been signed off work with a Fit Note but they wish to return early the central HR team must be contacted.

Absence Meetings

12. Meetings under this Policy

- 12.1 Meetings under this Policy will be arranged during an employee's normal working hours, and therefore, they should be available to attend and must take all reasonable steps to do so. Failure to do so without good reason may be treated as misconduct.
- 12.2 Employees will be notified in writing of the time, date and place of any formal meeting, and why it is being held.
- 12.3 Employees will be given a minimum of 5 working days' notice before any formal meeting.
- 12.4 Formal meetings will normally be conducted by the Head of School, member of the School Leadership Team, a member of the Executive Leadership Team or HR.

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- 12.5 All employees will have the right to be accompanied by a work colleague or an accredited trade union official at any of the following meetings:

| Long-Term Sickness Absence | Short-Term Intermittent Absences |
|-----------------------------------------------|-----------------------------------------|
| Formal Absence Review Meetings (minimum of 2) | First Formal Absence Review Meeting |
| Consideration of Dismissal Hearing | Second Formal Absence Review Meeting |
| Appeal Hearing | Final Formal Absence Review Meeting |
| | Consideration of Dismissal Hearing |
| | Appeal Hearing |

- 12.6 Please note the mere fact of being signed unfit to work by a GP does not in itself mean an employee is unfit to attend a meeting. Employees would normally be expected to attend all meetings unless they are unable to do so due to the nature of their ill-health.
- 12.7 If an employee's companion is unavailable to attend at the time specified, they should immediately inform the individual managing the process. Employees should provide a suitable alternative date within 5 working days of the original date.
- 12.8 A meeting may be adjourned if the meeting manager is awaiting receipt of information, needs to gather any further information or give consideration to matters discussed at a previous meeting. Employees will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.
- 12.9 Employees will receive written confirmation of the outcome of any formal meeting as soon as reasonably practicable.

13. Disabilities

- 13.1 We are aware 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.
- 13.2 The Trust may also adjust the process where appropriate. For example, to accommodate an employee's disability:
- Trigger points may be adjusted;
 - Meetings may be held off-site or by telephone;
 - While no right to accompaniment applies at the informal stage of the process, the Trust may extend this right in appropriate circumstances;
 - At the Trust's discretion, you may be permitted to bring a companion who is not a work colleague or union representative (for example, a family member) where this will help overcome particular difficulties caused by a disability; or
 - The Trust may, in appropriate circumstances, elect not to impose disciplinary warnings in relation to disability-related absence. This shall not, however, prevent the absence management procedure from moving to the next stage.
- 13.3 If an employee considers themselves to be affected by a disability or any medical condition which affects their ability to undertake their work, they should inform their Head of School or HR.

Short Term Absences

14. Managing Short-Term Intermittent Absence (STA)

- 14.1 The following paragraphs set out our procedure for dealing with short-term intermittent sickness absences. When considering the absence levels of any employee, the Trust will have regard to sickness absences, however, non-sickness absence may also be covered under this policy and would be processed separately to sickness absence.
- 14.2 The purpose of the procedure is to investigate and discuss the reasons for your absences. Consideration will also be given to whether these short-term intermittent absences are likely to continue and whether there are any measures that could improve your health and/or attendance. We may decide medical evidence, or further medical evidence is required before deciding on a course of action. The Trust will also give serious consideration to the impact your absences are having on the pupils, your colleagues and the wider Trust community as a whole, and will give consideration to how to reduce any such impact and whether, as a result of any such impact, your level of absence can be sustained by the Trust.

15. Trigger Points (STA)

- 15.1 The purpose of specifying trigger points is to enable the Trust to take prompt action to deal with absence, alert employees their level of absence is causing concern, and identify potential problems and to deal with them effectively before they escalate.
- 15.2 It is not always necessary for a trigger point to be reached before action is taken. Action may be taken at any time, (for example, referring an employee to Occupational Health) if there are concerns about an underlying cause of sickness and/or there is a significant impact on the service.
- 15.3 The Trust's trigger points for short-term absence are:
- 4 or more episodes of absence in a rolling 12-month period; and/or
 - 9 working days of absence in a rolling 12-month period; and/or
 - Absences in a short period warranting immediate action, e.g. 3 episodes or 6 working days in 6 months; and/or
 - A pattern of absence causing concern, e.g. regular Friday or Monday absences or absences regularly occurring on a particular day/week, pre or post annual leave, Trust holidays, public holidays, payday; and/or
 - No adequate reason given for the absence.
- 15.4 In the event that an employee reaches one of the trigger points, an Absence Review Meeting must always occur regardless of the reason for the absence. This must be held as soon as possible after the return to work.
- 15.5 If an employee successfully passes a formal monitoring period, at any stage, the absence triggers will reset from the date the monitoring period ends.

16. Absence Review Meetings (STA)

- 16.1 The short-term absence management procedure has three formal stages.
- 16.2 Once an employee has been informed that they have hit an absence trigger, at the return to work meeting, managers should arrange an Absence Review Meeting, giving at least 5 working days' notice to allow the employee time to arrange either union representation, or to be accompanied by a work colleague.

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- 16.3 The manager should explain to the employee that the meeting is being held because there are genuine concerns about the employee's health and wellbeing and the effect this is having on their attendance.
- 16.4 Absence Review Meetings will normally be managed by a senior school leader, Head of School, member of the Executive Leadership Team or central HR.
- 16.5 HR are able to attend First Formal Absence Review Meeting if required, but are always required to attend any Second or Final Formal Absence Review Meetings and Consideration of Dismissal Hearings.
- 16.6 The purpose of an Absence Review meeting is to discuss the reasons for an employee's absence, whether further absences are likely to occur and whether there is a medical link between the reasons for absence, whether additional medical advice is required and whether there are any measures or reasonable adjustments that may improve an employee's health and/or attendance.
- 16.7 During the meeting the following will be discussed:
- The reasons for and impact of the employee's absences on the pupils, their colleagues and the wider Trust community as a whole, and what support an employee believes the Trust could offer to reduce the impact of their absences;
 - The treatment and care the employee has received;
 - Any medication taken and any expected side effects;
 - Whether it is necessary for the Trust to consider taking reasonable measures to assist the employee in the workplace and to minimise the occurrence of repeated absences;
 - Whether medical evidence is required to assess the employee's fitness and if any changes are necessary;
 - What improvement is required in the employee's attendance pattern;
 - Targets to improve the employee's attendance if necessary over a set period of time.
- 16.8 There are several outcomes that can result from an Absence Review Meeting, it must be remembered that the main focus of the meeting is to look for the best solution to ensure the employee is able to attend work.

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| Option 1 | Reasonable Adjustments The manager agreeing to change the employee's work patterns (within operational capability, if the School/Trust can accommodate) if they believe that this could improve the employee's attendance at work. Once these changes are put in place, the employee should be given 3 months to get used to the adjustments and then formal monitoring should be applied if attendance is still a cause for concern. |
| Option 2 | Referral to Occupational Health Adjustments may be put in place following Occupational Health advice. Once these adjustments are put in place, the employee should be given 3 months to get used to the adjustments and then formal monitoring should be applied if attendance is still a cause for concern. If no adjustments are recommended, then the decision on whether to monitor the member of staff formally or not should be made immediately (formal monitoring will be backdated to the return date of the last non-attendance episode). |
| Option 3 | Formal Monitoring |

17. First Formal Monitoring Period

- 17.1 When an employee's non-attendance for ill-health has reached an unsustainable level, then action needs to be taken to encourage a change in the employee's attendance.
- 17.2 Formal periods of monitoring are an opportunity for the employee to demonstrate regular attendance. The first formal monitoring period lasts for 2 months and during that time the target for attendance is 100%. In exceptional circumstances, or to incorporate school holidays and closure periods, the monitoring period can be extended up to a maximum of 4 months.
- 17.3 Periods of monitoring must be back dated from the date the employee reported that they were fit to return to work.
- 17.4 When formal monitoring is implemented, the manager needs to explain their decision and confirm in writing the length of the period of monitoring (i.e. 2 months), including dates to and from.
- 17.5 In the event that the employee fails to meet the agreed targets before the end of the monitoring period, the employee will have deemed to have automatically failed the monitoring period and the review meeting will be brought forward.

18. Second Formal Absence Review

- 18.1 A Second Formal Absence Review will normally be initiated in the following circumstances:
- The employee fails to meet the required attendance targets within the first formal monitoring period.
 - The employee reaches the attendance triggers within 12 months of successfully meeting the required attendance targets following completion of a first formal monitoring period.
 - The employee has had an additional episode of non-attendance between their return to work from the episode which caused them to trigger the first formal meeting and the Absence Review Meeting.
- 18.2 Once the employee has been informed they require a Second Formal Absence Review Meeting, the manager should arrange the meeting giving them 5 working days' notice to allow them to arrange either union representation or to be accompanied by a work colleague.
- 18.3 The format at the meeting is the same as the First Formal Absence Review Meeting, which provides the manager with the same 3 options.
- 18.4 The second formal monitoring period lasts for 2 months and during that time the target for attendance is 100%. In exceptional circumstances, or to incorporate school holidays and closure periods, the monitoring period can be extended up to a maximum of 4 months.
- 18.5 When formal monitoring is implemented, the manager needs to explain their decision and confirm in writing the length of the period of monitoring (i.e. 2 months), including dates to and from.
- 18.6 In the event that the employee fails to meet the agreed targets before the end of the monitoring period the employee will have deemed to have automatically failed the monitoring period and the review meeting will be brought forward.

19. Final Formal Monitoring Review

- 19.1 A Final Formal Absence Review will normally be initiated in the following circumstances:
- The employee fails to meet the required attendance targets within the second formal monitoring period.
 - The employee reaches the attendance triggers within 12 months of successfully meeting the required attendance targets following completion of a second formal monitoring period.
 - The employee has had an additional episode of non-attendance between their return to work from the episode which caused them to trigger the second formal meeting and the Absence Review Meeting.
- 19.2 Once the employee has been informed they require a Final Formal Absence Review Meeting, the manager should arrange the meeting giving them 5 working days' notice to allow them to arrange either union representation or to be accompanied by a work colleague.
- 19.3 The format at the meeting is the same as the First and Second Formal Absence Review Meetings which provides the manager with the same 3 options.
- 19.4 The final formal monitoring period lasts for 2 months and during that time the target for attendance is 100%. In exceptional circumstances, or to incorporate school holidays and closure periods, the monitoring period can be extended up to a maximum of 4 months.
- 19.5 When formal monitoring is implemented, the manager needs to explain their decision and confirm in writing the length of the period of monitoring (i.e. 2 months), including dates to and from.
- 19.6 In the event that the employee fails to meet the agreed targets before the end of the monitoring period the employee will have deemed to have automatically failed the monitoring period and the review meeting will be brought forward.
- 19.7 A Consideration of Dismissal Hearing will usually be convened in the following circumstances:
- When the employee has failed the final formal monitoring period.
 - When the employee has passed the final formal monitoring period once, but has triggered again within 12 months.

20. Monitoring

- 20.1 If monitoring is applied, a Monitoring Review Meeting needs to be scheduled for the end of the period.
- 20.2 The relevant outcomes of the meeting will be recorded in a letter to the employee. This should be an accurate reflection of what was discussed and agreed at the meeting.
- 20.3 Exceptional circumstances may mean that the monitoring period could not be completed. In these circumstances the period of monitoring can be put on hold at the discretion of the manager until the employee is fit to resume work and therefore the period of monitoring.
- 20.4 The manager should work with the employee to agree any reasonable adjustments, support mechanisms or other requirements that may be needed to support the employee to improve their attendance.

- 20.5 It should be explained to the employee that if there is no improvement in their levels of attendance during the final period of monitoring, a Hearing will be convened to consider dismissing them on the grounds of capability due to ill-health.

Long-Term Absence

21. Managing Long-Term Sickness Absence (LTA)

- 21.1 The following paragraphs set out the Trust's procedure for dealing with long-term sickness absence. The purpose of the procedure is to investigate and discuss the reasons for an employee's absence, whether it is likely to continue or recur, and whether there are any measures that could improve an employee's health and/or attendance. The Trust may decide medical evidence, or further medical evidence is required before deciding on a course of action.

22. Trigger Points (LTA)

- 22.1 The purpose of specifying trigger points is to enable the Trust to take prompt action to deal with absence, alert employees their level of absence is causing concern, and identify potential problems and to deal with them effectively before they escalate.
- 22.2 The Trust's current trigger points for long-term absence are:
- An absence from work for 4 weeks (or less if appropriate) with an underlying medical condition; and/or
 - where there is no prospect of a return to work in the near future.
- 22.3 It is not always necessary for a trigger point to be reached before action is taken. Action may be taken at any time, (for example, referring an employee to Occupational Health) if there are concerns about an underlying cause of sickness and/or there is a significant impact on the service.

23. Welfare Meeting (LTA)

- 23.1 The purposes of a welfare meeting will be to discuss the reasons for an employee's absence, how long it is likely to continue, whether it is likely to recur, whether to obtain a medical report, and whether there are any measures that could improve their health and/or attendance.
- 23.2 Such a meeting will usually be arranged within the first 4 weeks of absence from work for any employee who provides a Fit Note.
- 23.3 The following will be discussed during these meetings:
- The reason for the absence;
 - The anticipated duration of the absence;
 - The treatment and care the employee is receiving;
 - Whether it is necessary for the Trust to consider taking reasonable measures to facilitate a return to work;
 - Whether medical evidence is required to assess the employee's fitness to return to work and if any changes are necessary to assist with this, having regard to any Return to Work plan;
 - If continued absence may lead to a formal absence review;
 - A time-scale for review; and
 - A communication schedule.

23.4 Line managers must agree a communication schedule with employees on long term sickness. This would normally be a weekly informal conversation to provide an update on school activities and to monitor the well-being of the employee. Although these are informal conversations a record should be kept on the employee's absence record.

23.5 The aim of this meeting will be to seek to agree a return-to-work programme, possibly on a phased basis and consideration will be given to the above discussions to determine whether such a programme can be agreed, and if so, the various aspects of that programme, for example, a return to work date, the support measures the Trust can put in place on a temporary or permanent basis and any dates for review which may be appropriate.

24. Formal Absence Review Meetings (LTA)

24.1 Employees will be given a reasonable amount of time to return to work, which will be discussed and agreed at the initial welfare meeting and will be based on the medical advice available at the time. In cases where employees have not been able to return to work a Formal Absence Review will be held. This will normally be between 4 – 6 weeks of the first date of absence.

24.2 The purpose of the Formal Absence Review meetings will be to discuss the following:

- The reasons for and impact of the employee's absence;
- The anticipated duration of the employee's absence;
- If it has not been obtained, whether medical evidence is required. If it has been obtained, the advice that has been given and whether further advice is required;
- Whether it is necessary for the Trust to consider taking reasonable measures to facilitate the employees return to work, which may include consideration of adjustments that can reasonably be made to assist a return in the employee's current role, or any possible redeployment opportunities;
- The employee's ability to return to their job in view of their capabilities and the Trust's operational needs;
- Whether the Trust needs to notify the employee that they may be at risk of dismissal if they are unable to return to work within a reasonable timeframe;
- Action that will be taken and a time-scale for review and/or a further meeting.

24.3 The number of Formal Absence Review meetings required for this process will largely be determined by the content of any medical evidence obtained, and the personal circumstances of the employee, however, a minimum of 2 review meetings will be required, except for exceptional circumstances, before a case can progress to a Consideration of Dismissal Hearing.

24.4 Long-term Formal Absence Review meetings should occur every 4-6 weeks to review the employee's current ill-health.

24.5 In some circumstances, it may be necessary to hold a long-term Absence Review Meeting at the employee's home. The main aim of a home visit is, as far as possible, to allay the anxieties and support the health and wellbeing of the employee. The employee still has the right to be represented at a home visit, and should be reminded of this right. The meeting should be conducted with at least 2 members of staff.

24.6 If it becomes clear that an employee will either be unable to return to work within a reasonable timeframe or are no longer able to carry out their contracted duties and consideration has been given to any adjustments or possible redeployment opportunities without success, the Trust may arrange a Consideration of Dismissal Hearing.

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24.7 Where formal monitoring follows a period of long-term absence, it will commence at the end of the phased return following their return to work, if they have a phased return.

25. Referrals to Occupational Health

25.1 The Trust has access to an Occupational Health service and may use this to obtain expert medical advice:

- To provide appropriate support to employees;
- To aid decision-making in sickness absence cases.

25.2 The Trust may refer an employee to the Occupational Health service at any point if they are concerned about the impact of an employee's health on their work or attendance.

25.3 Referrals will also take place at appropriate points throughout the process set out in this Policy.

25.4 A referral may take place when an employee has been on sick leave for 4 continuous weeks, or the Trust receives a medical certificate indicating an absence of this length is anticipated.

25.5 If there reaches a point where Occupational Health advise that the employee is not fit to return for the foreseeable future, the case will be referred to a Consideration of Dismissal Hearing.

26. Access to Medical Reports Act 1988

26.1 Employees have certain rights under the Access to Medical reports Act 1988. Should the Trust find it necessary to obtain a medical report concerning an employee's fitness for work or any other relevant matter the employee will be asked for his or her written consent. At the time of the request, the employee will be advised of his or her rights under the Act.

27. Successful Return to Work and Phased Returns

27.1 The best outcome for employees and managers after a longer-term ill health episode is a successful return to work on full duties.

27.2 Phased returns are only available to employees who have provided medical advice to recommend this course of action (E.g. Fit Note.). In exceptional circumstances the Trust may grant a phased return without the accompanying medical evidence.

27.3 Phased returns are usually used to enable staff to work towards fulfilling all their duties and responsibilities within a defined and appropriate time period through interim flexible working arrangements. For staff who have exhausted their full sick pay entitlement the phased return period will receive full basic pay for a minimum of 4 weeks of contracted hours. Managers may arrange for this period to be extended, if required, by either supplementing the hours not worked by annual leave or being paid for only the hours worked.

27.4 A guide as to how many hours an employee should work each week during their phased return is as follows:

- Week 1 – 20% of normal contracted weekly hours
- Week 2 – 40% of normal contracted weekly hours
- Week 3 – 60% of normal contracted weekly hours
- Week 4 – 80% of normal contracted weekly hours

27.5 This is only an example of a phased return plan that can be used.

27.6 A period of phased return should show an increase in working hours and or duties towards the aim of the employee returning to their full duties.

28. Unable to Undertake Full Duties

28.1 Where it has been identified by Occupational Health that an employee is unable to undertake the full range of duties, consideration needs to be given whether or not adjustments to enable the employee to continue in post are operationally viable.

28.2 Examples of adjustments can include (this is a non-exhaustive list):

- Making adjustments to premises;
- Allocating some of the duties to others;
- Altering the employees working hours;
- Acquiring or modifying equipment;
- Modifying procedures currently in use.

28.3 Temporary alternative work of this nature will normally be as part of a planned and timetabled rehabilitation package which will result in the employee returning to their substantive post after an agreed period of time. (This would not normally exceed 4 weeks.)

28.4 If the temporary adjustments need to become permanent, they may impact on contractual terms and conditions.

29. Redeployment

29.1 In cases where Occupational Health has confirmed that an employee is unable to undertake their contracted role within the foreseeable future due to ill health, or that a return to their contracted role may further exacerbate their condition, but they are actually fit enough to undertake alternative work, the redeployment process will be initiated.

29.2 The employee will be given a period of 6 weeks on the 'at risk' register from the effective date. This can be extended by the Head of School or the Executive Leadership Team.

29.3 The onus is on the employee to search for a suitable alternative post during this period; however, the manager will maintain weekly contact with the employee and provide support regarding the application process and any interview preparation.

29.4 To apply for a suitable alternative post the employee must meet all the essential criteria, as set out in the person specification for the post and be fit to carry out the role.

29.5 If the employee meets all the essential criteria, they will be entitled to an interview. A member of HR will sit on the panel of the interview to ensure the process is fair.

29.6 If no suitable alternative post has been identified in the 6 week period, then the employee will proceed to an Ill Health Capability Hearing.

30. Ill-Health Retirement

30.1 Where the relevant employee is a member of the LGPS or the TPS, the Trust will consider whether ill-health retirement may be an appropriate course of action before making any recommendation for dismissal.

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- 30.2 For all staff, the Head of School or HR should normally have met with the employee and their representative to discuss the options including the ill-health retirement process.
- 30.3 If ill-health retirement is confirmed by Occupational Health the Head of School or HR will need to advise the employee of the decision which must be confirmed in writing.

31. Support Staff

- 31.1 In accordance with the Local Government Pension Scheme (LGPS), the Head of School or HR will satisfy him/herself that they have exhausted all reasonable options in accordance with this procedure, including consideration of phased return/adaptations to duties/working patterns/alternative employment, before requesting an assessment under ill-health retirement.
- 31.2 If, on the basis of the facts, it is evident there is not likely to be a return to work in the foreseeable future and no likelihood of being fit, the employer may consider making a referral to Occupational Health for ill-health retirement.

32. Teachers

- 32.1 In accordance with the Teachers' Pension Scheme, the request for an assessment under ill-health retirement should be issued by the Head of School or HR. In that case, the Head of School or HR has to satisfy him/herself they have exhausted all reasonable options in accordance with this procedure, including consideration of phased return/adaptations to duties/working patterns/alternative employment. If on the basis of the facts, it is evident there is not likely to be a foreseeable return to work in the future and no likelihood of being fit, the Trust may consider making a referral to Occupational Health for ill-health retirement. However, in addition, the Teachers' Pension Scheme also allows the ill-health retirement process to be instigated by the teacher themselves. Teachers who may be eligible to apply for ill-health retirement should initially advise their Head of School or HR of their situation.

Absence Hearing

33. Consideration of Dismissal

- 33.1 If an employee falls into one of the following categories they will typically proceed to an Ill Health Capability Hearing:
- Has failed the final formal monitoring period.
 - When the employee has passed the final formal monitoring period, but has triggered again within the rolling 12 months of completing the final formal monitoring period.
 - Through longer term ill health is not capable to carry out any role within the Trust.
 - Has not been granted or not eligible for ill health retirement.
 - Has undergone an unsuccessful redeployment period.
- 33.2 Alternatively, in exceptional instances, the Trust may receive clear Occupational Health advice that the anticipated duration of the absence means the Trust would consider it appropriate to commence the process at this final stage, without it being necessary to conduct Formal Absence Review meetings first.
- 33.3 The employee's manager is responsible for collating the supporting evidence with help from HR, which will be presented at the Hearing.
- 33.4 Any such consideration will be by a panel of not less than 3 people and include the following staff:

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- For school-based employees: At least one member of an LSB and a member of a School Leadership Team.
 - For members of the support Hub: At least one member of ELT and a member of the Trust Board.
 - For a HT: a member of the ELT, one TB member and one LSB member.
 - For ELT: 3 x Trust Board members.
 - For CEO: 2 x Trust Board members and a suitably experienced/ knowledgeable external panel member.
- 33.5 Employees will be informed by the Consideration of Dismissal panel in writing of the Hearing time, date and venue and of their right to be accompanied by a Trade Union Representative or a workplace colleague. Employees should receive a minimum of 5 working days' notice.
- 33.6 Being off sick from work does not necessarily mean an employee is unable to attend a Hearing. Occupational Health should be involved to assess whether an employee is fit to attend. If an employee is unable to attend a Hearing due to illness, in the case of long-term absence it may be necessary to proceed in the employee's absence. If the decision is made to do this, the employee will be invited to submit a written statement or for their case to be presented at the Hearing by a Trade Union Representative or a work colleague.
- 33.7 Employees should be given one chance to rearrange the Hearing if the date given to them is unsuitable due to prior commitments which cannot be changed. However, if at short notice (i.e. on the day) the employee cannot attend for an unforeseeable reason which is judged reasonable the Hearing should be rearranged.
- 33.8 Management are required to submit any documentation of which they intend to refer to at least 5 working days prior to the date of the Hearing. This should be circulated to all Hearing attendees.
- 33.9 The Hearing location would normally be held at the employee's place of work, but a neutral environment can be agreed in some cases. Hearings can be conducted online via a video call.
- 33.10 The employee is required to submit any documentation they intend to refer to at least 2 working days prior to the date of the Hearing.
- 33.11 The purposes of the Hearing will be:
- To review the meetings that have taken place and matters discussed;
 - To consider whether there have been any changes since the last meeting under this Policy, either as regards a possible return to work or opportunities for return or redeployment;
 - To consider the most up to date medical evidence;
 - To consider any further matters the employee wishes to raise;
 - To consider whether there is a reasonable likelihood of the employee returning to work or achieving the desired level of attendance in a reasonable time;
 - To consider any reasonable options for redeployment on medical grounds before making any recommendation for dismissal (where redeployment is an option identified by Occupational Health);
 - To consider any reasonable options for ill-health retirement before making any recommendation for dismissal;
 - To consider the possible termination of the employee's employment.

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33.12 Potential outcomes which are available to the decision-maker at a Consideration of Dismissal Hearing are:

| | |
|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Continue in Role | Employee capable of continuing in their role with reasonable adjustments put in place. |
| Deferred | Decision deferred whilst further medical information is obtained. |
| Ill-Health Retirement | Employee qualifies for ill health retirement. |
| Redeployment | Employee successfully redeployed to alternative role. |
| Monitoring | Require an additional period of monitoring. |
| Dismissal | It is recognised that if a case has been managed through the procedure and is referred to a Hearing, the Trust may have no alternative other than to terminate employment on the grounds of capability due to ill health. Any dismissal will be on notice, i.e. paid monthly until the end of the notice period, unless explicitly requested otherwise. |

34. Appeal

34.1 Employees have the right to appeal any decisions made at a Hearing. The employee must make any appeal in writing, stating the full grounds for the appeal. Appeals should be addressed to the Head of School or Director of HR and be submitted within 5 working days of receiving the outcome letter.

34.2 In the event of a decision being made to dismiss the employee then they will be given pay in lieu of notice, as follows:

- Statutory notice as determined by length of service or contractual notice;
- Any outstanding annual leave will be calculated and paid as a lump sum in the employee's final salary.

34.3 Any appeal will be by a panel of not less than 3 people. The chair will be more senior than the chair of the Consideration of Dismissal panel.

34.4 All members of an appeal panel must have had no prior involvement in the case.

34.5 The outcome will be either:

- The decision to dismiss the employee is upheld; or
- The decision to dismiss the employee is not upheld and the case is dismissed or a lesser action is taken.

Additional Information

35. Unauthorised Absence

35.1 Cases of unauthorised absence will be dealt with under our Disciplinary Procedure.

35.2 An absence that has not been notified according to the sickness absence reporting procedure will be treated as an unauthorised absence.

35.3 If at any time, the Head of School or HR considers an employee has taken or are taking sickness absence when they are not unwell, they may refer matters to be dealt with under our Disciplinary Procedure.

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- 35.4 If there is serious concern for the wellbeing of the employee, their next of kin should be contacted in the first instance. If no contact can be made, the manager should consider contacting the Police, or visiting in person. Managers must not visit an employee's house alone. They should visit with an appropriate colleague or HR.
- 35.5 If all reasonable efforts have been made to contact an absent employee and no response has been received, they should advise HR of the situation, and then write to the employee asking them to contact CIT to discuss their absence. This letter will state that pay has been withdrawn effective from the first date of non-attendance. The manager should withhold pay until the employee has contacted them and has confirmed that the non-attendance is due to ill health.
- 35.6 If the line manager does not receive a reply from their formal letter within 10 working days and no information comes to light from other sources, e.g. work colleagues, relatives, etc., then they should send a letter to the absent employee explaining that CIT has assumed they have resigned without notice from the date of the letter. Employment will cease from the date of the letter.
- 35.7 All letters must be sent by recorded delivery and the receipt retained.
- 35.8 If the employee does eventually make contact the manager should consider refunding pay if there was a genuine reason why the employee could not make contact on the first day of non-attendance and/or thereafter.
- 35.9 If the employee returns to work the line manager should carry out an investigatory interview with them to establish the reasons for not reporting their non-attendance. Further to this meeting, it may be appropriate to investigate formally under the Disciplinary Policy following the findings of this initial informal investigation.
- 36. Sickness Absence and Annual Leave**
- 36.1 While it is recognised that during a period of sickness absence, time away from home, for example going on holiday or visiting family may be therapeutically helpful, you are required to seek prior approval from the Trust. A decision to take time away from home during a period of sick leave without giving prior notice to the Trust may result in a loss of your Occupational Sick Pay during that period.
- 36.2 Whilst an employee is not in attendance due to ill health they will continue to accrue annual leave.
- 36.3 If, on their return from sick leave, they are still within the same annual leave year, they will be entitled to take the totality of the annual leave they have accrued before the end of the annual leave year. If this is not possible before the end of the annual leave year, the employee will be entitled to carry over enough annual leave to ensure they receive the statutory allowance in the annual year.
- 36.4 If, on their return from sick leave, they have entered a new annual leave year, they will only be entitled to carry over enough annual leave to ensure they have received the statutory allowance in the previous annual leave year.
- 36.5 If an employee wishes to go on holiday when they are off sick they must discuss this with their line manager. As long as they continue to provide medical certificates and there is no concern that going on holiday would have a detrimental effect on their recovery, this would normally be agreed. Their absence would continue to be recorded as sickness and the employee would continue to receive sick pay.

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36.6 If annual leave is taken without the agreement of the line manager, the non-attendance will be treated as unauthorised and therefore unpaid. Such behaviour may be investigated under Trust's Disciplinary Policy.

36.7 Employees (non-teaching) on a 52-week contract have the right to claim sickness absence if they become ill whilst on holiday. However, this will only be considered when accompanied by a Fit Note.

37. Time off for Appointments

37.1 Non-urgent appointments with a doctor, dentist or other health professional which can be planned in advance should be made outside of normal working hours. Where this is not possible, they should be made at a time which will result in the least impact on the service and only in agreement with the line manager. Time taken to attend such appointments if in normal working hours should be repaid using time in lieu, annual leave, or unpaid leave.

37.2 CIT recognises that there is less flexibility for some medical/therapeutic appointments. Employees will be released with pay for a reasonable amount of time for appointments if these fall during normal working hours at the Trust's discretion. Where staff need to attend appointments linked to their health, arrangements should be discussed and agreed with their line manager.

38. Leaving Work Early due to Ill Health

38.1 An employee who falls ill whilst at work must report this to their line manager before leaving the workplace. Failure to observe this will result in the non-attendance being regarded as unauthorised.

38.2 If an employee becomes ill at work and leaves within the first half of their working day then this will be counted as an episode for monitoring reasons. If an employee becomes ill at work and leaves within the second half of their working day then this will not be counted as an episode for monitoring purposes unless this becomes a pattern.

38.3 In both circumstances a Return to Work Form should be completed.

38.4 A record will be kept of when an employee has left work early and will be monitored. Where a pattern of leaving work early due to ill health emerges this will prompt an Attendance Review Meeting.

39. Non-Attendance due to Ill Health during Pregnancy

39.1 If an employee is pregnant and is unable to attend work, managers should refer to the maternity policy, especially ensuring that a risk assessment is completed at regular intervals throughout the pregnancy.

39.2 Whilst pregnancy related absences do count towards the triggers for attendance management, and pregnant employees who trigger will be required to attend an Attendance Review Meeting, such employees will not be subject to monitoring as a result of pregnancy related illnesses. Therefore Option 1 or 2 would be the most appropriate option.

39.3 If absences during pregnancy are not related to the pregnancy, normal attendance management will apply, including monitoring.

40. Employee Conduct whilst not Attending due to Ill Health

- 40.1 Employees must not participate in any other activity whilst not attending work for ill health (e.g. sport, travel, education, charity events) which could be seen to hinder their return to work, unless such activity is in accordance with the terms of any 'Fit Note' they have been issued with or deemed rehabilitative by an Occupational Health Clinician. The employee should share this information with their manager.
- 40.2 If it is discovered that during a period of non-attendance the employee has behaved in a way detrimental to their return to work, then the employee's conduct could be treated as misconduct and result in action under the Disciplinary Policy. Sick pay may be withheld for this period as a result of any Disciplinary investigation.
- 40.3 Employees who are not attending work due to ill health are under a duty to make themselves available to the Trust for telephone calls, meetings etc., where requested to do so. Should they not do so, this will be considered a disciplinary matter and pay will automatically be stopped.

41. Secondary Employment whilst not Attending due to Ill Health

- 41.1 While employees are not attending work due to ill health they must refrain from undertaking any form of paid, unpaid or voluntary work during their contracted hours.
- 41.2 In addition, employees should always refrain from their secondary employment out of contracted hours unless this is clearly stipulated on a Fit Note.
- 41.3 Where an employee undertakes secondary employment whilst not attending work due to ill health this may result in disciplinary action.

The Community Inclusive Trust

Absence Management Policy

This Policy has been approved by the Executive Leadership Team

Signed..... Name..... Date:

Chair of the Trust Board

Signed..... Name..... Date:

Chief Executive Officer