# Absence Management Policy

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| **Policy Code:** | HR13 |
| **Policy Start Date:** | March 2024 |
| **Policy Review Date:** | January 2026 |

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## Statement of Intent

CIT is committed to maintaining the health, safety and welfare of its staff. We seek to provide a positive and healthy working environment and recognise the value of our employees' work-life balance. Regular attendance at work is an integral part of each employee's contract of employment; however, we recognise that employees will, on occasion, have genuine and acceptable reasons to be absent from work. On those occasions, we will aim to support an employee during the period of absence, with the aim of assisting their return to work at the earliest opportunity.

This policy outlines provisions to minimise staff absence levels across the Trust, the Trust's duties regarding staff leave of absence and the provisions for staff to follow when notifying the Trust of absence, as well as information on how we support employees who are unable to attend work due to ill health.

This policy also aims to provide a fair and consistent framework for managing attendance and informs all employees of their responsibilities regarding attendance at work.

## 1. Legal Framework

1.1. This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Trade Union and Labour Relations (Consolidation) Act 1992
- Employment Rights Act 1996
- The Working Time Regulations 1998
- Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999
- The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE)
- Equality Act 2010
- The Employment Rights (Employment Particulars and Paid Annual Leave) (Amendment) Regulations 2018
- The Statutory Parental Bereavement Leave (General) Regulations 2020 (Jack's Law)
- ACAS (2010) 'Code of practice on time off for trade union duties and activities including guidance on time off for union learning representatives'
- Cabinet Office (2023) 'Report trade union facility time data'
- DfE (2014) 'Advice on trade union facility time'
- DfE 'Teachers' Standards'
- DfE 'School teachers' pay and conditions document and guidance on school teachers' pay and conditions' (STPCD)
- Department for Work and Pensions (2022) 'The fit note: guidance for patients and employees'

1.2. This policy operates in conjunction with the following school policies:

- Maternity, Paternity, Adoption and Shared Parental Leave Policy
- Disciplinary Policy
- Grievance Policy

## 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. Role and Responsibilities

3.1. The Executive Leadership Team (ELT) will be responsible for:

- Reviewing this policy.

3.2. The Director of HR will be responsible for:

- Ensuring that this policy is implemented fairly and consistently across the Trust.
- Establishing systems to ensure effective recording of sickness absence across the Trust.
- Monitoring, reviewing and reporting on sickness absence for the Trust.

3.3. Headteachers (ELT for central staff) will be responsible for:

- Implementing this policy in line with their statutory duties.
- Informing all employees of attendance management procedures, including the conditions of the sick pay scheme.
- Monitoring and reviewing sickness absence within their school.
- Maintaining reasonable contact with employees during a period of absence.
- Ensuring return to work meetings take place following any period of sickness absence.

3.4. Line managers will be responsible for:

- Implementing this policy in line with their statutory duties.
- Briefing employees on the Trust's sickness absence procedures.
- Ensuring employees are supported throughout their period of leave and being a point of contact for any queries or problems they may have.

3.5. Staff will be responsible for:

- Attending work when fit to do so.
- Complying with the Trust's notification of sickness absence procedures.
- Maintaining reasonable contact with the Trust and meeting with the Trust when required during periods of absence of four weeks or longer ("long-term sickness absence").
- If requested to do so by the Trust, attending occupational health (and potentially other medical) appointments.
- Adhering to this policy at all times.

## 4. Policy Aims

4.1. 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).

4.2. In addition, the Trust will bear in mind:

- Employees' rights to medical confidentiality.
- Employees' expectations of fair and consistent treatment.

4.3. 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 Section E 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 Section D of this Policy.

## Section A: Monitoring, Sick Pay and Entitlement

### 1. Monitoring Employee Absences

1.1. 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.
- 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 Headteacher 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.

1.2. 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.

1.3. 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.

1.4. 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 Headteacher or the Central HR Team.

### 2. Statutory Sick Pay

2.1. 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.

2.2. 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.

2.3. 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 daily, in respect of qualifying days, which are those days normally worked.

## 3. Sick Pay Entitlements

3.1. 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.

3.2. **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. |
| 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 |

3.3. 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.
- a "year" is deemed to be a rolling 12-month period.

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

3.5. **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.

| | |
|---|---|
| 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 |

3.6. For the purposes of the above scheme:

- one month means the employee's normal working days over the period of a calendar month.
- a "year" is deemed to be a rolling 12-month period.

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

3.8. The employee's length of service for the above purposes will be calculated from the first day of sickness absence. Entitlement based on service will not increase during a period of absence until the employee returns to work.

3.9. The calculation of School Sick Pay will consider any previous payments of School Sick Pay made in the previous 12 months (as defined above in relation to Teaching and Support Staff) immediately before the first day of the current sickness absence.

3.10. 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.

3.11. 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.

3.12. Staff sick pay entitlements form part of an employee's contractual terms and conditions.

## 4. Notification

4.1. CIT will inform managers and employees in writing or by email when their full and half sick pay is due to be exhausted.

4.2. Sick pay will only be available to employees if they comply with the appropriate reporting procedure described.

## Section B: Reporting Absence

### 1. Absence Reporting Procedure

1.1. 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.

1.2. Employees must contact the designated person on each day of absence (unless covered by a Fit Note).

1.3. 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.

1.4. 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.

1.5. 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.

1.6. 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.

1.7. 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.

### 2. Absences under 8 Calendar Days

2.1. If the employee's non-attendance does not exceed 7 consecutive calendar days, they will not require a 'Fit Note'.

2.2. 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.

### 3. Absences over 7 Calendar Days

3.1. 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.

3.2. 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.)

3.3. 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.

## 4. Return to Work Meetings

4.1. 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.

4.2. For short term absences the reason for the most recent absence will be discussed in full and the manager will confirm whether any attendance triggers have been met resulting in the requirement for a Formal Absence Review meeting.

4.3. Return to work meetings should also take place following leave of absence due to bereavement, illness or emergencies involving dependants.

4.4. 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.

4.5. Following a period of Long-Term Absence, a return-to-work meeting must be held before the employee physically returns to work.

4.6. The manager will ensure the return-to-work discussion is conducted in private and in a supportive manner.

4.7. 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.

4.8. Return to work meetings are informal and employees will not normally be accompanied.

4.9. 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.

## Section C: Absence Meetings

### 1. Meetings under this Policy

1.1. Meetings under this Policy will normally 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.

1.2. Employees will be notified in writing of the time, date and place of any formal meeting, and why it is being held.

1.3. Employees will be given a minimum of 5 working days' notice before any formal meeting.

1.4. Formal meetings will normally be conducted by the Headteacher, member of the School Leadership Team, a member of the Executive Leadership Team or HR.

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

| **Short Term** | **Long Term** |
|---|---|
| Formal Absence Review Meeting (Stage 1) | Formal Absence Review Meeting(s) |
| Formal Absence Review Meeting (Stage 2) | Formal Absence Hearing |
| Formal Absence Hearing (Stage 3) | Formal Appeal Hearing |
| Formal Appeal Hearing | |

1.6. 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.

1.7. 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.

1.8. A meeting may be adjourned if the meeting manager is awaiting receipt of information, needs to gather any further information or consider matters discussed at a previous meeting. Employees will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.

1.9. Employees will receive written confirmation of the outcome of any formal meeting as soon as reasonably practicable.

### 2. Disabilities

2.1. 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.

2.2. 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 difficulties caused by a disability.
- 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.

2.3. 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 Headteacher or HR.

## Section D: Short Term Absences

### 1. Managing Short-Term Intermittent Absence

1.1. 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.

1.2. 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.

### 2. Trigger Points

2.1. 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.

2.2. 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.

2.3. The Trust's trigger points for short-term absence are:

- 4 or more episodes of absence in a rolling 12-month period; and/or
- 12 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 8 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.

2.4. The above triggers will be pro-rata for part-time staff.

2.5. Long Term absences will not count towards the triggers for short term absence management. Long term absences are managed following the process set out in section E.

2.6. If, following a review of the absences at the return-to-work meeting, it is decided that a trigger point has been met then a formal Absence Review Meeting must take place as soon as possible after the return to work.

2.7. At the end of the monitoring period, triggers will reset, however the employee will remain in a 12 month "live warning" period. If the employee re-triggers during the 12-month live warning period, they will automatically move on to the next stage of the absence management process.

## 3. Formal Absence Review Meetings – Stage 1 and Stage 2

3.1. Once an employee has been informed at the return-to-work meeting that they have hit an absence trigger managers should arrange a Formal 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.

3.2. 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.

3.3. Formal Absence Review Meetings will normally be managed by a senior school leader, Headteacher, member of the Executive Leadership Team or central HR.

3.4. CIT HR are able to attend Stage 1 and Stage 2 Formal Absence Review Meetings if required. A representative from CIT HR must be in attendance at any Formal Absence Hearing (Stage 3) and Appeal Hearings.

3.5. The purpose of a Formal Absence Review meeting is to discuss the reasons for an employee's absence, whether further absences are likely to occur, 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.

3.6. 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.

3.7. There are several outcomes that can result from a Formal Absence Review Meeting, it must be remembered that the focus of the meeting is to look for the best solution to ensure the employee is able to attend work.

| | |
|---|---|
| **Outcome 1** | **Reasonable Adjustments**<br>For example, the manager agreeing to change the employee's work pattern (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 12 working weeks to get used to the adjustments and then formal monitoring should be applied if attendance is still a cause for concern.<br><br>A reasonable adjustment may include an amendment to the trigger points if the absence is due to a disability. |
| **Outcome 2** | **Referral to Occupational Health**<br>Adjustments may be put in place following Occupational Health advice. Once these adjustments are put in place, the employee |

| | |
|---|---|
| | should be given 12 working weeks to get used to the adjustments and then formal monitoring should be applied if attendance is still a cause for concern.<br><br>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). |
| **Outcome 3** | **Formal Monitoring**<br>A formal monitoring period should be applied for a period of 8 working weeks. A formal warning will be issued with any monitoring period:<br><br>• At Stage 1 meetings a **First Written** warning will be issued<br>• At Stage 2 meetings a **Final Written** warning will be issued<br><br>Any formal warnings issued will be live for a period of 12 months in line with the 12-month Live monitoring Warning Period – section D point 5. |
| **Outcome 4** | **No Further Action**<br>No further action can be used in limited situations when there are serious extenuating circumstances for the absences contributing to a trigger.<br><br>HR advice **must** be sought before agreeing this outcome. |

3.8. When the outcome is a Formal Monitoring period the manager needs to explain their decision and confirm in writing the length of the period of monitoring (i.e. 8 working weeks), including dates to and from and the length of time the warning will remain on the employee file and give the employee the right to an appeal.

3.9. If an employee is issued with a Final Written Warning as part of Stage 2 Formal Absence Review they should be informed if there is no improvement in their levels of attendance during the period of monitoring a Formal Absence Hearing will be convened and a potential outcome could be their dismissal on the grounds of capability due to ill-health.

3.10. Any formal warnings will be live from the date of the review meeting in which they were issued for a period of 12 months.

## 4. Monitoring

4.1. Formal periods of monitoring are an opportunity for the employee to demonstrate regular attendance. The monitoring period would normally last for 8 working weeks and during that time the target for attendance normally 100%.

4.2. Periods of monitoring must be back dated from the date the employee reported that they were fit to return to work.

4.3. In the event the employee fails to meet the agreed targets before the end of the monitoring period the employee will be deemed to have automatically failed the monitoring period and absence management will move to the next stage of the process.

4.4. If an employee fails a monitoring period following the issuing of a First Written Warning at a Stage 1 Formal Absence Review, they will be required to attend a Stage 2 Formal Absence Review meeting.

4.5. If an employee fails a monitoring period following the issuing of a Final Written Warning at a Stage 2 Formal Absence Review, they will be required to attend a Formal Absence Hearing.

4.6. 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.

4.7. At the end of a successful monitoring period, the employee will move into a 12-month “live warning” period.

## 5. 12-month Live Warning Period

5.1. After successfully completing a formal monitoring period an employee’s triggers will reset and the employee will move into a 12-month live warning period.

5.2. The start date for the 12-month live warning period will be the date the formal warning was issued to the employee.

5.3. If during this period the employee’s absence causes them to trigger, they will automatically move on to the next stage of the process. For example, if an employee successfully passes a Formal Monitoring period following a Stage 1 Absence Review but re-triggers within the 12-month live warning period they will be required to attend a Stage 2 Formal Absence Review meeting.

5.4. If the employee does not have any further absences during this period normal absence management processes will continue. If an employee was to re-trigger they would start the formal process again at Stage 1.

## Section E: Long-Term Absence

### 1. Managing Long-Term Sickness Absence

1.1. 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.

### 2. Trigger Points

2.1. 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.

2.2. 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.

2.3. 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.

### 3. Welfare Meeting

3.1. 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.

3.2. Such a meeting will usually be arranged within the first 4 weeks of absence from work for any employee who provides a Fit Note.

3.3. 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.
- A communication schedule.

3.4. 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.

3.5. 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.

3.6. Welfare meetings are informal and as such employee have no right to be accompanied. However, requests to be accompanied at informal meetings will be assessed on a case by case basis.

## 4. Formal Absence Review Meetings

4.1. 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.

4.2. 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.

4.3. 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 Formal Absence Hearing (Stage 3).

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

4.5. 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.

4.6. 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 Formal Absence Hearing.

4.7. 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.

## 5. Phased Returns

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

5.2. Phased returns are normally 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.

5.3. 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.

5.4. 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

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

5.6. 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.

## 6. Referrals to Occupational Health

6.1. 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.

6.2. 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.

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

6.4. 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.

6.5. 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.

## 7. Access to Medical Reports Act 1988

7.1. 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.

## 8. Unable to Undertake Full Duties

8.1. 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.

8.2. 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.

8.3. 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. (This would not normally exceed 4 weeks.)

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

## Section F: Formal Absence Hearings – Long and Short Term Absences

### 1. Formal Absence Hearing (Stage 3)

1.1. A Formal Absence Hearing will normally be initiated in the following circumstances:

- The employee fails to meet the required attendance targets within the Stage 2 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 Stage 2 review meeting and the date the stage 2 meeting is booked.
- When the employee has passed the second formal monitoring period but has triggered again within the 12-month live warning 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.
- 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.

1.2. Once the employee has been informed they require an Absence Hearing, 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.

1.3. The employee's manager is responsible for collating the supporting evidence with help from HR, which will be presented at the Hearing.

1.4. Any such consideration will be by a panel of not less than 3 people. An appropriate Chair will be appointed for the hearing who will be one of the following, a Headteacher, a member of the Executive Leadership Team (ELT), the CEO or a member of the Trust Board's People Committee. The Chair must have the appropriate powers, as per the Trust Scheme of Delegation, to make a decision at the hearing.

1.5. If the employee is a member of the ELT, it may be appropriate for an external Chair to be appointed.

1.6. If the employee is the CEO an external, independent, Chair will be appointed.

1.7. Employees will be informed by the Absence Hearing Chair 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.

1.8. 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.

1.9. 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.

1.10. 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.

1.11. 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.

1.12. 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.

1.13. 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.

1.14. Potential outcomes which are available to the decision-maker at a Formal Absence 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. |

1.15. The outcome of the Formal Absence Hearing will be confirmed in writing, usually within 5 working days, and will set out the procedure for appeal. Where possible, this information will also be explained to the employee in person.

1.16. 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.

## Section G: Appeal – Long and Short Term Absence

### 1. Appeals of Formal Warnings

1.1. Employees have the right to appeal any Formal Warnings issued following a Formal Absence Review Meeting. These appeals must be made in writing stating the full grounds for the appeal. Appeals should be addressed to the Headteacher or Director of HR and be submitted within 5 working days of receiving the outcome letter.

1.2. On receipt of a written appeal, an Appeals Manager who has had no previous involvement in the case, will be appointed and an appeal meeting convened. An Appeals Manager will, where possible, be a more senior manager than the Chair from the Formal Absence Hearing.

1.3. In these cases the Appeals Manager will hear the case independently before providing an outcome in writing within 5 working days.

1.4. The outcome will either be to uphold the warning or to replace with an alternative option i.e. reasonable adjustment based on the possible outcomes from a Formal Absence Review.

### 2. Appeals Following a Formal Appeal Hearing

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

2.2. If the employee is appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if the appeal is successful, they will be reinstated with no loss of continuity or pay.

2.3. On receipt of a written appeal, an Appeals Manager who has had no previous involvement in the case, will be appointed and an appeal hearing convened. An Appeals Manager will, where possible, be a more senior manager than the Chair from the Formal Absence Hearing.

2.4. Any appeal will be by a panel of not less than 3 people.

2.5. If the appeal is from a member of the ELT or the CEO the Trust will appoint an external, independent, Appeals Manager. In these cases, it may be appropriate for the entire appeals panel to be external to CIT.

2.6. For school-based staff the Appeals Manager can be a member of the ELT supported by a member of an LSB.

2.7. For central staff, members of a leadership team, or headteachers the Appeals Manger will be appointed from the Board of Trustee's.

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

2.9. 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.

## Section H: Additional Information

### 1. Redeployment

1.1. 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 fit enough to undertake alternative work, the redeployment process will be initiated.

1.2. 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 Headteacher or the Executive Leadership Team.

1.3. 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.

1.4. 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.

1.5. 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.

1.6. If no suitable alternative post has been identified in the 6 week period, then the employee will proceed to an Formal Absence Hearing.

1.7. If the redeployment was initiated following a Formal Absence Hearing but no suitable alternative posy was identified a second Formal Absence Hearing will ne required. Redeployment would not be a potential outcome and the subsequent hearing.

### 2. Ill-Health Retirement

2.1. 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.

2.2. For all staff, the Headteacher or HR should normally have met with the employee and their representative to discuss the options including the ill-health retirement process.

2.3. If ill-health retirement is confirmed by Occupational Health, the Headteacher or HR will need to advise the employee of the decision which must be confirmed in writing.

2.4. The process set out by the relevant pension body, TPS or LGPS, must be followed at all times. Trust staff are not able to provide pension advice for employees and any detailed queries regarding ill-health retirement must be directed to the appropriate pension body.

2.5. **Support Staff** - In accordance with the Local Government Pension Scheme (LGPS), the Headteacher 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.

2.6. If, based on 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 and the LGPS for ill-health retirement.

2.7. **Teachers** - In accordance with the Teachers' Pension Scheme, the request for an assessment under ill-health retirement should be issued by the Headteacher or HR. In that case, the Headteacher or HR must 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.

2.8. If based on 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 and the TPS 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 Headteacher or HR of their situation.

## 3. Unauthorised Absence

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

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

3.3. If at any time, the Headteacher 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.

3.4. 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.

3.5. 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.

3.6. 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.

3.7. All letters must be sent by recorded delivery and the receipt retained.

3.8. 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.

3.9. 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.

## 4. Sickness Absence and Annual Leave

4.1. 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.

4.2. Whilst an employee is not in attendance due to ill health, they will continue to accrue annual leave.

4.3. 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.

4.4. 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.

4.5. 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.

4.6. 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.

4.7. 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.

## 5. Time off for Appointments

5.1. Non-urgent appointments with a doctor, dentist or other health professional which can be planned 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.

5.2. 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.

## 6. Leaving Work Early due to Ill Health

6.1. 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.

6.2. 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.

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

6.4. 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.

## 7. Non-Attendance due to Ill Health during Pregnancy

7.1. 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.

7.2. 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 because of pregnancy related illnesses. Therefore Option 1 or 2 would be the most appropriate option.

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

## 8. Employee Conduct whilst not Attending due to Ill Health

8.1. 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.

8.2. 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 because of any Disciplinary investigation.

8.3. 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.

## 9. Secondary Employment whilst not Attending due to Ill Health

9.1. 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.

9.2. In addition, employees should always refrain from their secondary employment out of contracted hours unless this is clearly stipulated on a Fit Note.

9.3. Where an employee undertakes secondary employment whilst not attending work due to ill health this may result in disciplinary action.

## 10. Monitoring and Review

10.1. This policy will be reviewed every two years by the Director of HR.

10.2. Changes to this policy can be made at any time following a case review of recommendation from external agency.