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Managing Health and Sickness Absence Policy and Procedure

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Summary:	This procedure provides guidance on how sickness absence is managed in Learning4Life-Gy	
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Managing Health & Sickness Absence

1. Introduction

- 1.1 Learning4Life-GY aims to provide a safe and healthy work environment for its staff, applying appropriate measures to manage sickness to maximise the possibility to attend the workplace and minimise the impact of absence on service delivery.

In applying this Policy, the organisation will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and foster good relations between people protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.

- 1.2 This Policy and Procedure should ensure that managers and staff have every opportunity, wherever possible, to return to work and maintain attendance to support service delivery for our patients.

An overview of the 'Managing Health & Sickness Absence Policy and Procedure' is provided in a flowchart in Appendix 1.

2. Scope

- 2.1 This Policy and Procedure applies to all staff directly employed by Learning4Life-GY..

3. Definitions

For the purposes of the Managing Health & Sickness Absence Policy and Procedure the following definitions apply:

3.1 Sickness

- 3.1.1 Learning4Life-GY recognises that there are many different causes of absence from work. However, sickness will be defined as an illness, injury or health problem experienced directly by the member of staff employed by Learning4Life-GY.

- 3.1.2 This Policy and Procedure does not differentiate between genuine and non-genuine absence, as it is assumed that every episode of sickness reported by a member of staff is genuine. All sickness absence will contribute to monitoring under this Policy and Procedure, unless stated otherwise in this document.

4. Roles and Responsibilities

4.1 Learning4Life-GY

- 4.1.1 Learning4Life-GY will:

- Operate sick pay in alignment with HMRC statutory sick pay procedures.
- Monitor levels of sickness/absence and make every effort to reduce these levels by investigating any underlying causes of high levels of sickness within jobs or job groups attributable to, for example, stress, high accident rates or health and safety hazards.
- Identify staff whose absence record due to sickness is excessive and investigate the circumstances, ensuring that all possible steps are taken to assist the member of staff to improve their attendance record and support a return to work.

- Ensure working conditions are as safe and healthy as possible and statutory requirements are met.
- Ensure that all staff are dealt with fairly, consistently and confidentially in accordance with the School's agreed Policy and procedures for managing sickness absence.
- Ensure all staff are aware of the procedures for reporting sickness absence and the standards of attendance, which are expected of them.
- Ensure all staff whose attendance is of concern are given the opportunity and support to improve.

4.2 Directors

4.2.1 Directors will:

- Have robust sickness absence reporting procedures in place and communicate these to all staff.
- Apply the guidance contained within this document in a consistent, equitable and supportive manner.
- Make informed decisions when managing a staff member's sickness absence, based on the medical advice provided, available evidence and the needs of the School.
- Maintain, on a daily basis, accurate and up to date records of each employee's absence. To ensure Payroll and HR have accurate absence information.
- Agree a plan of regular (e.g. weekly) telephone contact with staff whilst they are on sick leave.
- Employ a principle of actively planning, with the member of staff, for their return to work from the start of any absence and keep this under review.
- Carry out 'Return to Work' interviews after each occasion of absence, including half days and one day absences, within twenty-four (24) hours of a return, or as soon as reasonably practicable.
- Carry out a full and fair assessment of the ability of their role to accommodate a phased return to work within a GP's 'Fit Note'.
- Check that there have not been any alterations on the 'Fit Note' and retain the original document or a copy of the 'Fit Note' on the member of staff's local file. If a copy is kept the director will note on the copy that they have seen and checked the original.
- Show commitment to the health, safety and welfare of staff, both physical and psychological.
- Consult with HR specialist before taking formal action related to the management of a disability.
- Seek clear, medical advice and medical evidence to assist in any decision-making processes concerning a staff member's health and their employment.
- Agree an action plan, with reasonable adjustments, to minimise and manage any potential sickness absence, if sickness absence has been raised as a concern.

- Maintain their expertise in the implementation and application of this Policy and Procedure.
- Communicate this Policy and Procedure to all their staff and governors and include as standard as part of the induction for new starters.
- Be aware of the cost of absence for staff, i.e. administration cost, replacements costs and salary costs.
- Explore ways that absence can be prevented or reduced. These include:
 - Health and Wellbeing Programme
 - Health and Safety
 - Appraisal
 - Resilience
 - Staff Survey
 - Engagement and communication

4.3 Staff

4.3.1 Staff must:

- In accordance with staffs' contractual obligation, make every effort to attend work regularly.
- Be aware of the standards of attendance expected by Learning4Life-GY.
- Understand the need to maintain attendance at work and the effect of the absence on the School's ability to provide consistent, high quality education to its learners.
- Familiarise themselves and adhere to the sickness absence reporting process.
- Let the Principal know about any illness or condition that may affect them at work.
- Follow the terms of this Policy and Procedure and to be aware of other related policies.
- Engage with the Principal or HR (director) once a week during periods of sickness absence, unless in exceptional circumstances.
- Send in their fit notes to the Principal or HR (director) as soon as they receive them. If the fit note has expired, and the individual is still unfit to return to work, they must provide a further fit note covering consecutive days.
- Staff must contact the Principal or HR (director) on their last day of sickness to discuss their return to work plan.
- To complete, with the Principal or HR (director), a 'Return to Work' interview within twenty-four (24) hours of each episode of sickness absence, or as soon as reasonably practicable.

- Staff should not work from home when they are on sick leave.
- Staff should not work for another employer whilst claiming sick leave.

4.4 HR (CEO Director)

4.4.1 The CEO Director, has delegated responsibility from the governing body to ensure this Policy and Procedure is properly implemented and monitored.

4.4.2 The Principal and the CEO Director's responsibility is to ensure that the Policy and Procedure is followed fairly and consistently. Their duties will involve:

- Actively engaging with services to minimise the impact of sickness absence on the school timetable.
- Providing training and guidance to all staff on this Policy and Procedure, in agreement with, and supported by, the governing body and trade union.
- Monitoring that all new staff receive pre-employment checks before contracts of employment are issued.
- Providing regular reports on sickness absence to the Governing Body.

5 Reporting sickness absence

5.1 All staff must ensure they follow the sickness absence reporting procedure at the earliest opportunity (see Managing Sickness Absence Toolkit- Guidance 1) if they are unable to attend work. The use of text messaging and email when reporting sickness absence is not acceptable. At a minimum the member of staff must:

- speak to the Principal or CEO;
- provide a reason for sickness absence;
- provide a likely date of return to work; and
- confirm their contact details to maintain contact if the sickness absence is expected to last for longer than two (2) calendar days.

The Principal will ensure that the absence is recorded on the reporting system.

5.2 The Principal or CEO Director will ensure conversations take place, support and plan a return to work.

If the sickness absence is due to a work-related illness, stress or mental health, the Principal or CEO Director will follow the action outlined in Section 8.

5.3 If absence is likely to last more than seven (7) calendar days, the Principal or CEO Director, and staff member must agree how contact will be maintained on a regular basis (e.g. depending on the estimated length of absence, contact should be on a weekly basis).

5.4 Staff are required to notify the Principal or CEO Director once they are fit to return to work, even if this falls on a day when they are not yet due to work. Failure to do so will extend the recorded length of the absence.

5.5 When the individual returns to work their attendance records must be amended immediately to reflect their return to avoid incorrect sickness absence reporting and the risk of incorrect payment.

5.6 Failure to Follow the Sickness Absence Reporting Process – unauthorised absence

5.6.1 If staff fail to follow the sickness absence reporting process this may lead to absence being treated as unauthorised and/or unpaid leave. This may also lead to disciplinary action being taken against the member of staff.

5.6.2 For health and safety reasons the Principal or CEO Director will attempt to contact an individual to ascertain the reasons for absences. If there is not a reasonable explanation for the absence it may be appropriate to consider disciplinary action in line with Learning4Life-GY's Disciplinary Policy and Procedure.

5.6.3 If the Principal or CEO Director is unable to contact the individual and the individual then fails to attend work the following day without making contact, the manager should write to the individual requesting that they make contact within one (1) week from the date of the letter.

6. Fit note and proof of sickness

6.1 Absence for seven (7) calendar days or less - staff can self-certify the absence. Self-certification is through the completion of the Return to Work Interview form (see Appendix 2).

6.2 Absences lasting more than seven (7) calendar days – staff must provide the Principal or CEO Director with a 'fit note' (formerly 'sick note') provided by their GP or registered medical practitioner, as a matter of urgency. Initially the original fit note must be presented so this can be checked for accuracy. Once these checks have been completed the original fit note or a copy must be placed on the employee's local file. If a copy is kept the manager should write on the copy that the original has been seen and checked.

6.2.1 Fit notes should be considered by Senior Management for review and action, if required. It is necessary to retain a copy of the 'fit note' for the purposes of sickness management and this will be held securely.

6.2.2 In terms, of long-term sickness absence, staff must send in their fit notes as soon as they receive them. If the fit note has expired, and the individual is still unfit to return to work, they must provide a further fit note covering consecutive days. Fit note with any alterations or amendments will be rejected or referred back to the GP.

6.2.3 If the staff member feels well enough to return to work before the expiry of the certificate, they would need to discuss this with the Principal or CEO Director to obtain agreement.

7. Supporting a return to work plan and the return to work interview

From the start of any sickness absence the Principal or CEO Director and member of staff, in partnership, must plan a return to work. To ensure that plans are relevant and updated this will require regular contact to update on the individual's health condition to ensure the Principal or CEO Director can provide support and signposting to support a return wherever possible.

7.1 Return to work interview

7.1.1 The 'Return to Work Interview' is an important part of absence management and must

be completed after **all** periods of sickness absence.

7.1.2 It is the Principal or CEO Director's responsibility to ensure a 'Return to Work Interview' takes place within twenty-four (24) hours (or as soon as reasonably practical) upon the individual's return to work.

7.1.3 The Principal or CEO Director will complete the 'Return to Work Interview' form with the member of staff, either face-to-face or on the telephone. The completed forms must be securely retained in the member of staff's local personal file as part of their attendance record and for future reference in absence reviews.

7.1.4 Before the 'Return to Work Interview' the Principal or CEO Director will familiarise themselves with the staff member's current level of absence to assess if they have reached, or may be about to reach, a trigger point for formal action (or there is an emerging pattern of sickness that needs further discussion). This will also influence whether the Principal or CEO Director is advising the member of staff that they will be commencing the formal process in accordance with the Managing Frequent Short Term Sickness Absence Procedure (see Section 9).

7.1.5 Undertaking the 'Return to Work Interview' demonstrates the following

- an awareness of the individual's absence whether through illness or other reason,
- that managers are concerned about their staff's wellbeing; and
- that it raises awareness that absence is being actively managed and monitored.

7.1.6 It is important to remember the 'Return to Work Interview' is not a capability or disciplinary interview. Instead, the 'Return to Work Interview' provides Line Managers with an opportunity to start a dialogue with staff about underlying issues which might be causing the absence and agreeing actions to support attendance.

8. Managing a work-related incident, stress or mental health.

8.1 For stress and mental health illnesses consideration should be given to other supportive measures such as stress risk analysis, sign-posting to other Wellbeing Services such as Navigo or Harrison House.

9. Managing frequent short term (sporadic) sickness absence

The following principles and procedures may refer to a combination of short-term and long-term episodes over 6 and 12 months and repeated episodes of long-term absence over a 3 year period.

9.1 **Short term sickness absence** - can be defined as an episode which could be:

- one single day; (please note, if a member of staff leaves work, due to sickness, before they have completed their working day, the Principal or CEO Director should record the time that the member of staff is not at work as 'other authorised absence' on sickness absence register including a note as to the reason for absence so that an informal record can be kept);
- a number of continuous days not exceeding 21 days.

9.2 Informal Process – Frequent Short Term (Sporadic) Sickness Absence

9.2.1 General Principles

9.2.1.1 The Principal or CEO Director is responsible for informally monitoring their staff's sick

absences before absence triggers are hit as they will be aware of frequent patterns of absences or potential abuse of sickness absence. This should form part of the 'Return to Work Interview' process.

9.2.1.2 When reviewing an individual's absence record, Principal or CEO Director should assess whether:

- the pattern of absence indicates the possibility of an underlying health problem which requires further investigation;
- the pattern or frequency of absence suggests an abuse of sick leave may be occurring;
- the reasons for absence indicates a problem which may be work related; and/or
- given the nature of illness, consideration needs to be given to adjustments to prevent further absences.
- a trigger of absences has been met - 3 episodes in a 12 month period or 9 days in a 12 month period.

9.2.1.3 Principles of Informal Sickness Absence Monitoring

These principles must be adhered to for informal monitoring and are outlined in Appendix 4.

9.2.1.4 Confidentiality and Data Protection

Confidentiality will be maintained throughout the process, with all written records being collected, used and stored in accordance with the General Data Protection Regulations (GDPR). Only the Principal or CEO Director will have access to records and contents of meetings.

9.3. Formal Process- Frequent Short Term (Sporadic) Sickness Absence

9.3.1 General Principles

9.3.1.1 The process is divided into two (2) stages:

- Stage One - Formal Monitoring
- Stage Two - Formal Review.

9.3.2. Frequent Short Term Sickness Absence Trigger to start the Formal Process

9.3.2.1 When an individual is absent from work on three (3) occasions over a rolling twelve (12) month period or (9) days in a rolling 12 month period, Line Managers should start the formal process.

9.3.2.2 The sickness reporting system will notify the Principal or CEO Director when staff reach the absence trigger..

9.3.3 Principles of Formal Meetings

These principles must be adhered to for all formal meetings and are outlined in Appendix 4. This includes the right for staff to be represented by a Trade Union representative or work colleague.

9.3.4 Stage One – Formal Monitoring

9.3.4.1 Stage One – Formal Monitoring Meeting

9.3.4.1.1 The Principal or CEO Director should arrange a Stage One – Formal Monitoring meeting with the individual, providing at least five (5) working days' written notice of the meeting.

9.3.4.1.2 The general purpose of the meeting is to:-

- Inform the staff member that their level of absence is a cause for concern and has reached the sickness absence trigger for formal action to commence.
- Discuss the impact that the absences are having on the individual's work, the work of other colleagues, the operational efficiency and cost effectiveness of the school.
- Provide an opportunity for the individual to review their sickness absence record and respond and comment on any mitigating factors or substantial reasons. Where an individual has been diagnosed with an underlying medical condition, further information is provided in Appendix 5.
- Try to establish the cause of the frequency/pattern of the absences and consider whether there could be an underlying health problem.
- Try to identify whether there are any environmental or other external factors contributing to the absences and if so what action could be taken to remedy the situation.
- Explore possible support and solutions.
- Discuss, identify and agree an action plan with a review date to support the improvement of attendance within an agreed and reasonable period of monitoring (given the individual's circumstances under review).

9.3.4.1.3 The Principal or CEO Director will:-

Inform the individual that they will expect to see a sustained improvement in the individual's overall sickness absence to a level where absence is no longer a cause for concern, over an agreed and reasonable period of formal monitoring (normally this period of monitoring would be three (3) months, but can be less or more depending on the circumstances, and by a set review date).

If at any time the absences within the monitoring period trigger a further cause for concern the Principal or CEO Director may wish to bring forward the review.

- Discuss, identify and agree a supportive action plan to improve the level of attendance during the formal monitoring period.
- Advise the individual of the consequence if the actions are not achieved and attendance has not significantly improved by the review date. The likely consequence being the progression to Stage Two - Formal Review of the formal procedure, which may result in eventual dismissal, on the grounds of capability, due to an inability to attend work on a regular basis. Furthermore, the individual should be advised that Stage Two could be instigated earlier if their absence increases and is a cause for further concern
- Advise that a 'Stage One - Formal Monitoring Review Meeting' will be held on the set review date (see Section 9.3.4.2), to decide on further action.

9.3.4.1.4 The outcome and details of the Stage One – Formal Monitoring meeting should be confirmed in writing to the member of staff within five (5) working days of the meeting (see Managing Sickness Absence Toolkit- Template 5). The date for the Stage One – Formal Monitoring Review Meeting should also be confirmed in the letter.

9.3.4.2 Stage One- Formal Monitoring Review Meeting

9.3.4.2.1 This meeting should have already been scheduled at/after the Stage One - Formal Monitoring Meeting (see Section 9.3.4.1.4). However, in cases where cause for concern brings forward the review, or other extenuating factors necessitate a change, at least five (5) working days' notice should be given.

9.3.4.2.2 The purpose of the meeting is to assess the individual's overall sickness absence levels, and progress against the Stage One supportive action plan and for the Principal or CEO Director to decide on further action.

9.3.4.2.3 Where long term sickness absence occurs during formal monitoring the absence will be reviewed as part of the overall absence levels and will be considered as part of the discussion regarding appropriate next steps.

9.3.4.2.4 The possible outcomes are:

- **Sickness absence has reduced and is no longer a cause for concern:** the individual's sickness absence will be informally monitored for a further 12 months and ongoing support agreed. If the individual's sickness absence becomes a cause of concern during this period, a Stage Two - Formal Review will be instigated.
- **Sickness absences remain a cause for concern:** the individual will be given the opportunity to respond and comment, providing any mitigating factors or substantial reasons. Depending on the individual's response, the Principal or CEO Director will consider, with the Chair of Governors, whether to extend the Stage One – Formal Monitoring Period **or** instigate Stage Two –Formal Review.

9.3.4.2.5 The outcome should be confirmed in writing within five (5) working days (see Managing Sickness Absence Toolkit- Template 7). The letter will also advise that if sickness absence remains a cause for concern, within the following 12 month informal monitoring period this may lead to their eventual dismissal. The decision will be recorded on the HR file.

9.3.5. Stage Two – Formal Review

9.3.5.1 The CEO Director should arrange a Stage Two – Formal Review meeting with the individual, providing at least five (5) working days' written notice of the meeting.

9.3.5.2 The letter will confirm that a potential outcome of the Formal Review may be dismissal and that this will be chaired by the Chair of Governors along with a panel. The panel will also consist of the Principal to support the Chair.

9.3.5.3 On deciding the appropriate action, the Chair will objectively and fairly consider: -

- The individual's attendance record
- The effect that the absence is having on the school's efficiency, cost effectiveness of the business.
- Any relevant mitigating information from the member of staff and their representative.
- The Director's case and collated evidence (e.g. Return to Work Interviews forms, meeting records, action plans, and any other written correspondence).

9.3.5.4 To enable the Chair to consider the information/evidence presented, the meeting will be adjourned.

9.3.5.5 The potential outcomes that the Chair may consider are as follows:-

- Evidence suggests that sustained attendance at work is achievable within a reasonable timeframe. A supportive action plan should be agreed and the formal monitoring period extended (by a reasonable period given the individual's circumstances) with a set review date. On the set review date, a further Stage Two – Formal Review meeting should be scheduled.
- The Chair deems that the process has not been robust, fair and reasonable or there is insufficient evidence to inform a decision. The Stage Two – Formal Review should be rescheduled/adjourned (normally at a date no later than three (3) months from the original scheduled Formal Review date) to enable the process to be rectified and adhered to/or further evidence gathered to enable an informed decision to be made.
- The individual presents mitigating factors or substantial reasons for cause of absence. The Chair may request that an action plan should be agreed with the Principal or CEO Director and the formal monitoring period extended (by a reasonable period given the individual's circumstances) with a set review date. On the set review date, a further Stage Two – Formal Review meeting should be scheduled.
- If the Chair deems the process followed has been fair and reasonable then they may decide to dismiss the individual on the grounds of capability, due to an inability to attend work on a regular basis. The individual is entitled to receive pay in lieu of notice, in accordance with their length of service and any outstanding annual leave.

9.3.5.6 Communicating the Outcome to the Member of Staff

- Once the Chair has reached a decision, the Formal Review meeting should be reconvened to inform the individual and their representative of the outcome.
- If dismissal is the outcome, the Chair will advise the member of staff and representative of their right to appeal. Details of who to be appeal to will be contained in the outcome letter.
- The Chair's decision should be confirmed in writing to the individual within five (5) working days of the decision being verbally communicated.

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9.3.6 Appeal

9.3.6.1 A member of staff has the right to appeal against a dismissal, to the next level of management in order to ensure fairness and natural justice. Any such appeal should be submitted in writing, using the 'Notification of Appeal' form (in Appendix 6) within 10 working days from receipt of the outcome letter (in Section 9.3.5.6).

9.3.6.2 When considering whether to raise an appeal the member of staff will need to consider on what grounds they will raise that appeal. The three (3) grounds on which an appeal can be based are outlined below:

- information arising that was not available at the time the decision was made and sanction applied;
- undue severity or inconsistency of the decision; and/or
- the School's process and/or procedure have not been followed correctly.

9.3.6.3 An appeal is not a re-hearing and the Appeal Panel will not revisit evidence unless it can be clearly linked to the grounds for appeal outlined above.

- 9.3.6.4 The appeal will be heard as soon as possible, normally within thirty (30) calendar days from receipt of the individual's intention to appeal.
- 9.3.6.5 The individual will be given at least five (5) days' notice of the date of the hearing. _
- 9.3.6.6 Formal paperwork providing evidence for the grounds of appeal must be submitted by the individual no later than (5) working days before the Appeal Hearing, to the appropriate manager. The Chair of the Appeal Panel will forward this to the Management Representative (who was the Chair of the Formal Stage 2 Hearing) to enable them to provide a full response at the appeal hearing.
- 9.3.6.7 The Management Representative will be requested by the Chair of the Appeal Panel to prepare a management response to the appeal. This response should be submitted to the Chair of the Appeal Panel no later than five (5) working days before the appeal hearing. The Chair of the Appeal Panel will forward this to the appellant to enable them to provide a full response at the appeal hearing.
- 9.3.6.8 The role of the Appeal Panel is to consider the evidence presented from both sides and either uphold or reject the appeal.
- 9.3.6.9 The chair of the Appeal Panel will be an appropriate senior manager (most likely the vice chair of the governing body), who has the authority to uphold or reject the appeal against a dismissal. The Panel will also consist of a HR Professional Advisor to support their decision making during the meeting. The Appeal Panel will not include anyone involved in previous stages of this process.

The Appeal Chair will identify an appropriate person to act as note-taker. For matters of efficiency Learning4Life-GY may choose to record the hearing and retain a copy of the recording or typed transposed notes.

- 9.3.6.10 The individual has the right to representation at the hearing by their Trade Union representative or work colleague employed by the school (not a relative).
- 9.3.6.11 At this hearing the individual will present the grounds of their appeal, with support from their representative as appropriate.
- 9.3.6.12 The Chair of the Stage 2 Formal Review meeting will respond to the grounds for appeal and may choose to invite witnesses to substantiate their responses.
- 9.3.6.13 The Appeal Panel will ask questions as points of clarification throughout the meeting. They will adjourn once they have heard all the evidence to make a decision.
- 9.3.6.14 The Appeal Chair will adjourn the hearing to reach a decision and, should a decision be possible on the day, inform the appellant and their representative of the outcome verbally.
- 9.3.6.15 The outcome of the Appeal Hearing will be confirmed in writing within five (5) working days. _If the Appeal Panel cannot provide a decision on the day of the appeal an outcome will be communicated within five (5) working days.
- 9.3.6.16 Where requested, a copy of the meeting notes will be provided either as a photocopy of the handwritten notes, a typed transcript or a copy of the recording.
- 9.3.6.17 The outcome of the appeal is final.

10. Managing long term sickness absence

10.1 General Principles

- 10.1.2 Long term sickness absence is classified as absence for a continuous period lasting twenty one (21) days or more, or for recurrent periods of time for the same reason.
- 10.1.3 Staff on long term sickness must be actively managed and engaged with, regardless of the nature of the absence, by the Principal or CEO Director with the main aims being to maintain positive relationships, to support the staff member and facilitate their return to work as soon as possible.
- 10.1.4 There are three key phases to managing a member of staff's long term sickness absence:-
- managing the individual's absence from work;
 - managing their return to work; and
 - providing support and manage any on-going related absences.

10.1.5 Reviews

The Principal or CEO Director must maintain regular contact and carry out reviews with the member of staff.

The reviews will need to take into account factors such as whether or not:-

- the staff member has a specified return to work date;
- continued absence appears likely for the near future but with an eventual return to work;
- the current absence relates to previous episodes of short or long term sickness
- the member of staff is already being monitored for short term sickness absence
- on returning to work whether any adjustments need to be made either on a temporary or permanent basis; and
- whether the individual will be fit to return to the same role or any other role.

The Principal or CEO Director **must** document the reviews.

- 10.1.6 Further information on 'Keeping in Touch' is provided in Appendix.
- 10.1.7 Where long term sickness interlinks with short term sickness monitoring, a review period can be set on return from long term sickness in line with the process in 9.3.4.2.

10.1.8 Principles of Informal Meetings

These principles must be adhered to for all informal meetings and are outlined in Appendix 4.

10.1.9 Availability to Attend Meetings

- 10.1.10.1 Staff are reminded that they remain employed by Learning4Life-GY and should make themselves readily available to attend meetings with Principal or CEO Director, either in person or on the telephone.

10.2 Long Term Sickness Absence

- 10.2.1 The staff member must be informed of the reasons for a referral for an external assessment, which should be discussed fully with them by the Principal or CEO Director and preferably a copy of the referral provided to them.

- 10.2.2 Details of the appointment will be arranged via the Principal or CEO Director. The member of staff should make the Principal or CEO Director aware of any non-availability to facilitate arranging the appointment.
- 10.2.3 The Principal or CEO Director should review any report (when applicable). The report will provide guidance on the date at which a member of staff will be fit to return to the workplace and/or whether they are fit to return to their substantive post. Specifically the report should address the following issues:-

- Is the individual medically fit to fulfil the requirements of the post and will a return to their substantive role be possible and by when;
- Is the individual medically fit to fulfil the requirements of the post and will a return to their substantive role be possible with adjustments;
- If the individual is medically unfit to fulfil the requirements of their substantive role, could they undertake a different role/redeployment;
- The individual will be medically unfit and adjustments and redeployment are not viable options.

Possible course of actions for a return to work include:-

- **Rehabilitation** – appropriate treatment interventions are supported to enable a return to work.
- **Graduated/phased return to work** – a short-term graduated/phased return to normal duties/hours.
- **A return to work with or without adjustment** - there may be circumstances where an individual's ill health/disability prevents them from undertaking their full duties within their job role but does not result in them having sickness absence. Where reasonable adjustments can be considered or made on a temporary or permanent basis, these will be accommodated.

10.2.4.1 Critical, Progressive and Life-Threatening or Terminal Illness

- 10.2.4.1.1 For a member of staff with a critical, progressive and life-threatening or terminal illness particular sensitivity and a degree of flexibility should be shown when managing an individual in accordance with this procedure.
- 10.2.4.3.2 Open discussions should take place to manage expectations in relation to the management of sickness absence. Every opportunity will be explored to return them to work, within the context of their condition. The broader options, support and benefits available to them as time progresses should also be explored. A time-bound plan should be agreed to manage the ongoing sickness absence, review capability to work and when specific steps may need to be taken.

10.2.4 Informal Meeting

The informal meeting can be held over the phone if necessary as long as it is followed up with the appropriate outcome letter.

- 10.2.5.1 The Principal or CEO Director should:-
- Discuss the feasible 'return to work' options and
 - Agree a 'return to work' plan for the individual and agree how this will be managed, and monitored as well as how the individual will continue to be supported.

10.2.5.2 If awaiting additional medical advice, the Principal or CEO Director should arrange a further informal meeting in which to consider the further medical advice.

10.2.5.3 There are situations when:-

- a staff member's absence appears to be of an indefinite duration; or
- no feasible return to work options exist within the service; or
- the individual is medically unfit and adjustments are not viable options.

Under these circumstances, Line Managers should refer to Section 10.2.6.

10.2.5.4 The details and 'return to work' plan and the informal meeting should be recorded using the 'Record of Informal Meeting' log. This should be securely retained, by the HR files, in the individual's local personal file and used for review of the agreed return to work plan. The Principal or CEO Director should provide a copy to the staff member.

10.2.5.5 The meeting outcome should be confirmed in writing within five (5) working days.

10.2.5 Possible Outcomes of the Informal Process

10.2.6.1 **Return to work is achieved** – as agreed in the 'return to work' plan. The Principal or CEO Director should continue to monitor the return to work and support the individual.

10.2.6.2 **Return to work has not been achieved after two (2) months absence-** If none of the 'return to work' options outlined in Section 10.2.4.1 appear achievable or the return to work has been unsuccessful, the issue of an individual's capability will need to be considered especially when their future ability to carry out their duties is uncertain or where the impact of the length of their absence is affecting the efficiency of the school.

10.2.6.2.1 The Principal or CEO Director is to arrange a Stage One - Formal meeting with an up-to-date records.

The purpose of the formal meeting is to provide ongoing support and for the Principal or CEO Director to decide on further supportive action.

10.3 Formal Process – Long Term Sickness Absence (after two (2) months consecutive absence)

10.3.1 General Principles

10.3.1.1 The process is divided into two (2) stages:

- Stage One - Formal Review
- Stage Two - Formal Review

10.3.1.2 Principles of Formal Meetings

These principles must be adhered to for all formal meetings and outlined in Appendix 4.

10.3.2 Stage One – Formal Review

10.3.2.1 The Principal or CEO Director should arrange a Stage One – Formal meeting with the individual, providing at least five (5) working days' written notice of the meeting (see Managing Sickness Absence Toolkit – Template 14).

10.3.2.2 Preparing for the Stage One - Formal Meeting

10.3.2.2.1 The Principal or CEO Director should base the Stage One meeting on an up-to-date reports, which should address issues outlined in Section 10.2.4.1.

10.3.2.2.2 Prior to the meeting, based on the contents of the reports, the Principal or CEO Director should discuss the 'return to work' options with a Human Resources professional. Possible course of actions are outlined in section 10.2.4.1.

10.3.2.3 Stage One – Formal Meeting

10.3.2.3.1 The Principal or CEO Director should use the reports as a basis for the following discussions with the member of staff:-

- Discuss the feasible 'return to work' options (outlined in Section 10.2.4.1 and discussed with a Human Resources professional); and
- Agree an updated 'return to work' plan for the individual and agree how this will be managed, implemented, and monitored as well as how the individual will continue to be supported. If a return to work is not possible at this time the timescale for when this will be formally reviewed will be agreed, taking account of any medical health advice and the actions/ treatment/ interventions required to happen.

10.3.2.3.2 If awaiting additional medical advice, the Principal or CEO Director should arrange a Stage One- Formal meeting in which to consider the further medical advice.

10.3.2.3.3 There are situations when:-

- a staff member's absence appears to be of an indefinite duration and medical reports are unable to specify a return to work date; or
- no feasible return to work options exist within the school; or
- the individual is medically unfit and adjustments are not viable options.

Under these circumstances, the Principal or CEO Director have the option to progress to Section 10.3.3

10.3.2.3.4 The Principal or CEO Director should also advise the individual, that if return to work has not been achieved or return to work has been unsuccessful within the timescales set, then the Principal or CEO Director will convene a 'Stage One – Formal Review meeting (see Section 10.3.2.4), to decide on further action.

10.3.2.3.5 The outcome should be confirmed in writing within five (5) working days.

10.3.2.4 Stage One- Formal Review Meeting

10.3.2.4.1 The Principal or CEO Director should arrange a 'Stage One-Formal Review' meeting with the individual, with any medical or other reports, where a return to work has not been achieved or return to work has been unsuccessful. At least five (5) working days' written notice of the meeting should be provided to the member of staff.

10.3.2.4.2 The purpose of the meeting is to revisit and review the 'return to work' plan/options with the individual and for the Principal or CEO Director to decide on further action.

10.3.2.4.3 The possible outcomes include:

- **Return to work is achievable within a reasonable timeframe.** An updated return to work plan and reasonable timeframe should be agreed. If return to work is not achieved within this timeframe, a Stage Two – Formal Meeting will be convened. Where long term sickness interlinks with short term sickness monitoring a review period can be set upon return from long term sickness in line with the process in 9.3.4.1
- **Return to work is not achievable within a reasonable timeframe.** The individual

will be given the opportunity to respond and comment, providing any mitigating factors or substantial reasons and an external medical report. Depending on the individual's response, the Principal or CEO Director will consider, with a Human Resources professional, whether to extend the Stage One – Formal Review process or convene a Stage Two – Formal Meeting.

10.3.2.4.4 The outcome should be confirmed in writing within five (5) working days. Where a Stage Two - Formal meeting will be convened, the letter will also advise that a possible outcome may be dismissal on the grounds of capability due to ill health.

10.3.3 Stage Two – Formal Meeting

10.3.3.1 The Principal or CEO Director should arrange a Stage Two – Formal meeting with the individual, providing at least five (5) working days' written notice of the meeting.

10.3.3.2 The letter will confirm that a potential outcome of the Formal Review may be dismissal and that this will be chaired by the chair of governors (who will have the Authority to Dismiss. The panel will also consist of a Human Resources specialist to support the Chair.

10.3.3.3 On deciding the appropriate action, the Chair will objectively and fairly consider the following:-

- All 'return to work' options were thoroughly considered.
- The effect that the absence is having on the operational efficiency, cost effectiveness of the department or service and patient care.
- The individual's absence record – whether or not it is sufficient when considered in context to justify dismissal.
- Any relevant mitigating information from the staff member and their representative.
- The Principal or CEO Director's case and collated evidence (e.g. meeting records, return to work action plans, medical reports and written correspondence).
- All reasonable efforts have been made to obtain appropriate and up-to-date medical evidence regarding the individual's ill health including reports from the individual's GP/Consultant.
- Advice has been sought from Human Resource Specialists.
- The individual has been consulted at all times and has been warned that a potential outcome of their ongoing absence may lead to dismissal.
- Whether in the circumstances, a reasonable employer could be expected to wait any longer.

10.3.3.4 To enable the Chair to consider the information/evidence presented, meeting will be adjourned.

10.3.3.5 The potential outcomes that the Chair may consider are as follows:-

- Evidence suggests that return to work is achievable within a reasonable timeframe. An updated return to work plan and reasonable timeframe should be agreed and a further formal meeting held. If return to work is not achieved within this timeframe, a Stage Two – Formal meeting should be scheduled.
- The Chair deems that the process has not been robust, fair and reasonable or there is insufficient evidence to inform a decision. The Stage Two – Formal meeting

should be rescheduled/adjourned (normally at a date no later than three (3) months from the original scheduled Formal meeting date) to enable the process to be rectified and adhered to/or further evidence gathered to enable an informed decision to be made.

- The individual presents mitigating factors or substantial reasons affecting absence/return to work. The Chair may request that an updated return to work plan should be agreed and a further formal meeting held. If return to work is not achieved a Stage Two – Formal Review Meeting should be arranged.
- If the Chair deems the process followed has been fair and reasonable then they may decide to dismiss the individual on the grounds of capability, due to ill health. The individual is entitled to receive pay in lieu of notice, in accordance with their length of service and any outstanding annual leave.

10.3.3.6 Communicating the Outcome to the Member of Staff

- Once the Chair has reached a decision the Formal Review meeting should be reconvened to inform the individual and their representative of the outcome.
- If dismissal is the outcome, the Chair will advise the member of staff and representative of their right to appeal. Details of who to appeal to will be contained in the outcome letter.

10.3.4 The Chair's decision should be confirmed in writing to the individual within five (5) working days of the decision being verbally communicated. Appeal

10.3.4.1 A member of staff has the right to appeal against a dismissal. The appeal process is outlined in Section 9.3.6.

11 Staff at work with an underlying health condition

11.1 If a member of staff is at work with an underlying health condition that is impacting on their ability to fulfil their duties but they are not hitting any of the sickness absence triggers as described in sections 9.3.4 and 10.2 then the Principal or CEO Director should follow the same process as that outlined in section 10.2 for Long Term Sickness Absence.

12. High levels of sickness over multiple years

12.1 If a staff member shows a repeated pattern of absence over multiple years but does not necessarily hit the sickness absence triggers as described in sections 9 and 10, which is a cause for concern, it may still be appropriate to have recourse to management under the guidance of this policy to ensure support is provided to address. In certain circumstances it may also be appropriate to deal with patterns of sickness absence under alternate Learning4Life-GY policies where this is identified as either a conduct or capability concern.

13. Further information related to managing sickness absence

13.1 The following information can be found in the appendices:-

- Phased return/adjusted duties/redeployment (see Appendix 6)
- Sick pay (see Appendix 7)
- Annual leave and sickness absence (see Appendix 8)
- Other absences (see Appendix 9)
- Absence and secondary employment (see Appendix 10)

- Long term sickness absence and lease cars (see Appendix 11)

14. Monitoring Compliance

14.1 The CEO director will monitor and analyse data on a quarterly basis. They will use the data to monitor the implementation of the policy and management of cases. In addition, the data will be collated and analysed for information regarding the reasons for absences, by specifically reviewing patterns and frequency of absences occurring.

14.2 Subsequently, the data will be used to inform and improve policies, as well as provide recommendations for improving working practices.

15. Policy Review

15.1 The Policy and Procedure contained within this document will be in place for three years following approval by the Board of Governors. An earlier review can take place should exceptional circumstances arise resulting from this policy, in whole or in part, being insufficient for the purpose and/or if there are legislative changes.

16. Associated Documents

- Annual leave Policy and Procedure
- Bullying and Harassment Policy and Procedure
- Disciplinary Policy and Procedure
- Equality, Diversity and Human Rights Policy
- Grievance Policy and Procedure
- Managing Performance (Capability) Policy and Procedure
- Managing Stress and Enhancing Wellbeing Policy and procedure
- Equality Act 2010
- Managing Attendance and Employee Turnover (ACAS 2005)

17. Supporting references

- www.acas.gov.uk Advisory, Conciliation and Arbitration Service (ACAS) promotes employment relations and HR excellence.
- www.hse.gov.uk/stress/standards/index.htm Health and Safety Executive's (HSE) website containing information on work related stress and HSE Management Standards.

18. Equality Analysis Form

The Equality Analysis is a written record that demonstrates that you have shown *due regard* to the need to **eliminate unlawful discrimination, advance equality of opportunity** and **foster good relations** with respect to the characteristics protected by the Equality Act 2010.

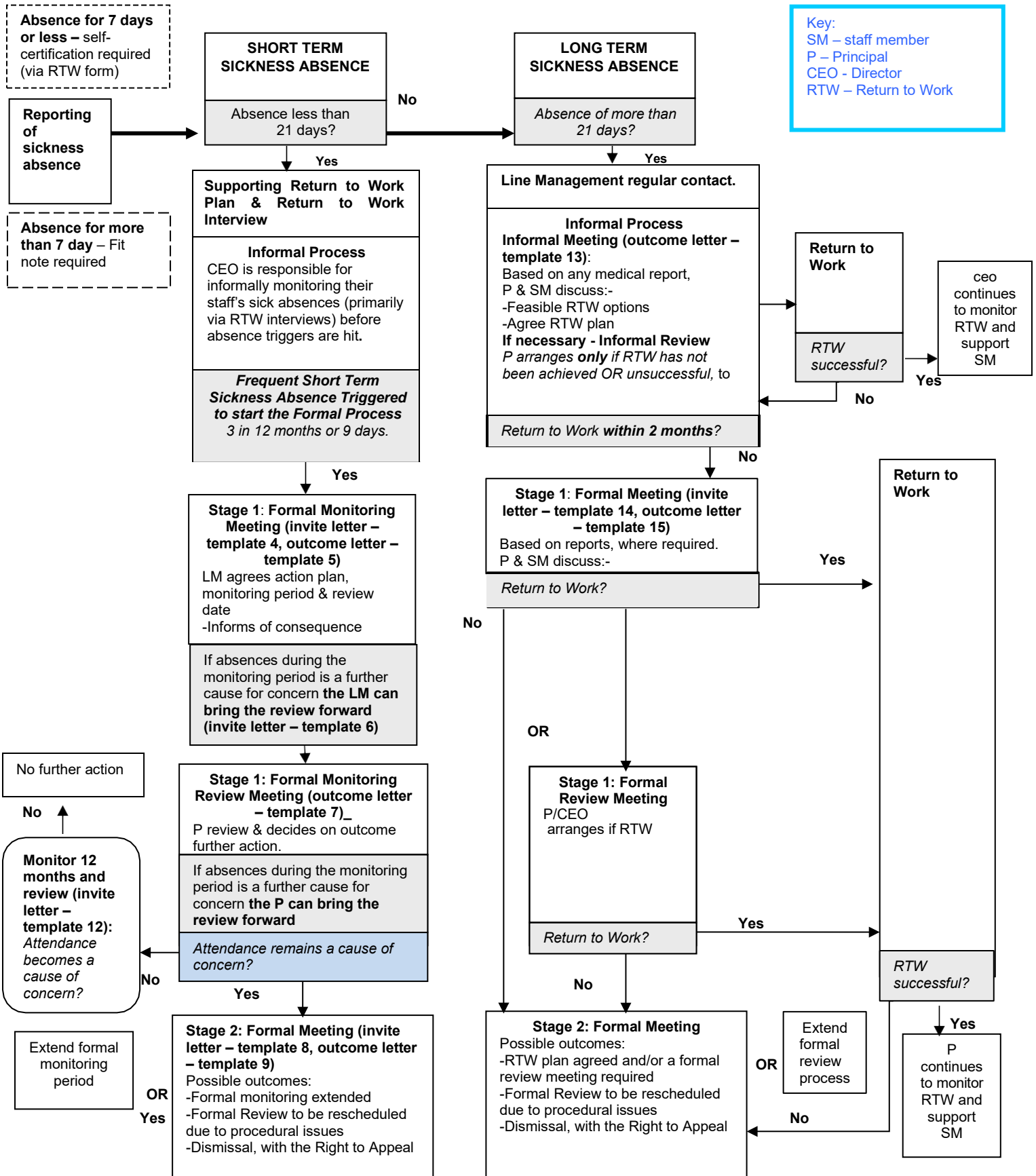
Name of policy/procedure	Managing Health & Sickness Absence Policy and Procedure
Name and job title of person completing the assessment:	Sara Morris
Date of assessment:	23/06/2020
Responsible department:	Directors & Board of Governors.
EIA Summary	
<ol style="list-style-type: none"> 1. The document provides guidance on how sickness absence is managed in Learning4Life-GY 2. The policy and procedure exists to help promote fairness, order and consistency in the treatment of all Learning4Life-GY employees. 3. The Principal or CEO Director are implementing the School's Sickness Absence Policy and Procedure. 4. The Sickness Absence Policy and Procedure exists to promote fairness, order and a consistence approach in the treatment of all Learning4Life-GY employees. 5. The Policy and Procedure focuses on the importance of the organisational values and this is embedded throughout each section of the document. 6. Learning4Life-GY has embedded diversity and inclusion programmes and will strengthen this further with the launch of staff diversity networks and embedding the principles of the Equality Act 2010, Human Rights Act and associated national equality frameworks in the delivery of staff development programmes. 7. Applied to all protected characteristics: All staff are entitled to have fair and equal treatment in regards to Sickness and Absence. 	

Who was involved in the consultation of this document?	CEO Director, The Principal, ratified by the Governing Body.
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Protected Characteristic	Equality Analysis	EIA Impact
Age	<ul style="list-style-type: none"> • Learning4Life-GY has 100% workforce equality monitoring to age; • The school has a diverse age workforce; • The Managing Health & Sickness Absence Policy and Procedure demonstrates due regard to eliminate unlawful discrimination as it focuses on behaviours that champion the organisational values. • The Policy highlights the importance of ensuring that managers and staff have every opportunity, wherever possible, to return to work and maintain attendance. 	Positive Impact
Disability	<ul style="list-style-type: none"> • Learning4Life-GY has 90% workforce equality monitoring to disability. • 30% of the workforce has declared 'yes' to a disability • The Policy states that there is a need for consultation before any formal action is taken related to the management of disability. This shows that there is consideration given to the requirements that staff with a disability may have. 	Positive Impact
Gender reassignment	<ul style="list-style-type: none"> • The policy states that the organisation will have due regard for the need to eliminate unlawful discrimination and promote equality to those undergoing gender reassignment. • There may be instances where staff who are in process of gender re-assignment take sick leave. This needs to be managed appropriately and sensitively with the member of staff. 	Positive Impact
Marriage & civil partnership	<ul style="list-style-type: none"> • Learning4Life-GY has 100% workforce equality monitoring to Marriage and Civil Partnership 	Positive Impact
Pregnancy & maternity	<ul style="list-style-type: none"> • Learning4Life-GY has 100% workforce equality monitoring to Pregnancy and Maternity. • The policy enables a conversation on staff health and wellbeing with staff who are pregnant or on maternity leave. Appropriate risk assessments will be undertaken to support pregnant staff who return to work following sickness absence. • The policy makes reference to the Trust's Maternity, Paternity and Adoption Policy and Procedure and the importance of referring to this in regards to Pregnancy related absence. 	Positive Impact
Race	<ul style="list-style-type: none"> • Learning4Life-GY has 100% workforce equality monitoring to Race. 	Positive Impact
Religion/Belief	<ul style="list-style-type: none"> • Learning4Life-GY has 90% workforce equality monitoring to Religion/Belief; • The Policy states the importance of looking at each individual circumstance and the importance of preventing any discrimination on the grounds of Religion/Belief. 	Positive Impact

Sex	<ul style="list-style-type: none"> • Learning4Life-GY has 90% workforce equality monitoring to Sex; • A negative impact has been recorded as the workforce diversity scorecard reports an under-representation of men within the organisation. • The Policy states the importance of looking at each individual circumstance and the importance of preventing any discrimination on the grounds of sex. 	Positive Impact
Sexual Orientation	<ul style="list-style-type: none"> • Learning4Life-GY has 90% workforce equality monitoring to Sexual Orientation. 	Positive Impact

Appendix 1 – Overview of the Managing Health & Sickness Absence Procedure



Appendix 2

Return to Work Interview and Plan

Instructions for completion: The Principal/CEO Director must complete every section. 'N/A' should be recorded where no actions are required – this is to confirm that actions have been considered.

Part 1: Record of Absence

To be completed by at the time of receiving notification of absence.

Employee's name		
Job Title		
Date/time notified of absence		
Dates of absence (inclusive)	Reason for absence	Employee's contact number (

Part 2: Return to Work Interview

1	Date employee returned to work?	
2	Date Return to work interview completed? <i>Was the return to work interview held within 24 hours of the employee's return to work? If not, please state the reason for the delay?</i>	Y/N
3	Is the employee fully recovered and fit to return to duty? <i>If YES, discuss whether a 'fit note' has been received to confirm fitness to resume work and note any adjustments needed to enable a return to work.</i> <i>If NO, discuss and confirm next steps, to include any adjustments needed to work area, equipment etc. to support a return to work.</i>	Y/N
4	Does the employee consider the reason for this episode of absence to be work-related? (i.e. caused or exacerbated by work duties) <i>If NO, go to question 5</i>	Y/N
4a	Was it appropriate to complete an incident form (Safeguard) and/or a RIDDOR completed? <i>If yes, give details of what was reported, how, by whom, dates and any other relevant information:</i>	Y/N
4b	Does the employee consider the reason for absence to be work-related stress? <i>If YES, please give details</i>	Y/N
5	Is the employee anticipating any future health problems/sickness absence? <i>If YES, discuss what preventative measure will be taken by the employee and/or what support will be provided by the manager to reduce the potential of further sickness absence.</i>	Y/N
6	Does the employee have any medical appointments planned for the future? <i>If YES, for what and when?</i>	Y/N
7	Update employee on work developments	
9	If sick on a Bank Holiday please deduct those hours from the leave entitlement, in line with the Annual Leave Policy	Y/N

Part 3: Absence History

1	<p>Have there been any other episodes of sickness within the last 12 months?</p> <p>If YES, has the employee hit Learning4Life-GY's triggers for sickness absence?</p> <ul style="list-style-type: none">• 5 or more occasions in 12 months• 3 or more occasions in 6 months• 21 days continuous absence* <p>If any of the sickness absence triggers have been met please discuss and include details of course of action in the Action Plan below.</p> <p>*The long term sickness process (21 days+) concludes once the individual has returned to work.</p> <p>Advise the employee that their absence levels are being monitored under the Managing Health & Sickness Absence Procedure if triggers are met.</p>	Y/N Y/N
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Part 4: Return to Work/Action Plan

This section **MUST** be completed – please state if no action plan necessary

1. Actions to support return to work/address reason for absence

Include details of:

- Supported phased returns e.g.: for staff returning from long term sickness, i.e.: managing adaptations, details of hours and duties of phased return period etc.:
- Any other changes needed to work area, equipment etc. to support a return to work

2. Review Date

Will a further sickness absence episode trigger the formal process (i.e. 3 episodes in 6 months or 5 episodes in 12 months)? If so, please discuss this with the member of staff as part of the plan.

Part 5: Declaration

I declare that the information I have given on this form is true and accurate as discussed between myself and the manager named below. I understand that it may be a serious disciplinary offence to provide false information at the return to work interview and / or on this form.

I understand this form will be reviewed at any subsequent Return to Work Interviews **and as part of the Sickness Absence Monitoring process** to monitor agreed actions and sickness absence and may be used anonymously for Audit Purposes.

Employee Signature:	<i>Manager Signature:</i>
Date signed by Employee:	<i>Date signed by Manager:</i>

The form is part of the Managing Health & Sickness Absence Monitoring Record and Procedure and must be retained locally by the Line Manager of the employee and securely stored in the employee's file, where it can be accessed to monitor any further actions / absences . A copy of the form should be given to the employee.

Note: Return to Work Interview audits will be carried out across the organisation on a periodic basis so the information on this form may be shared confidentially with Auditors. However, no personal identifiable information will be contained within the Audit Report

Appendix 3 Accidents/Incidents at Work

In accordance with Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 1995 legislation, those accidents/incidents which takes place in the work base or on official work business and result in disease, major injury, or over seven (7) days injury (including weekends) must be reported:

- as soon as possible, to the Principal or CEO Director by the member of staff affected by the incident/accident; then
- within 15 days, Learning4Life-GY must report the incident to the Health and Safety Executive.
- The Principal or CEO Director will also need to record this through their relevant sickness absence reporting process when an individual is absent due to sickness as a result of the incident.

Appendix 4

Principles of Informal Sickness Absence Monitoring and Formal Meetings

1. Principles of Informal Sickness Absence Monitoring

- The member of staff does not have the right to representation during the informal stage.
- Meetings must allow the member of staff the opportunity to comment on the reasons for their absence and progress on the relevant action plans. The outcome of the meetings will significantly depend on the individual's response.
- The Principal or CEO Director must make notes and keep records of all informal meetings.
- The 'Return to Work Interview' is the main mechanism for informal monitoring.
- If appropriate this meeting can be held over the phone with details followed up in the outcome letter

2. Principles of Formal Meetings

- The Principal or CEO Director should provide the member of staff with five (5) working days' notice of formal meetings in writing.
- The invite letter will include the purpose of the meeting and potential outcome of the meeting.
- Individuals have the right to be accompanied by their Trade Union representative or work colleague (not a relative).
- Where applicable, all documentary evidence, records and reports collated by the Principal or CEO Director, that will be referred to at the meeting (e.g. Return to Work Interviews forms, informal meeting records, and any written correspondence) will be included with the meeting invite letter.
- Where possible, any documents which the member of staff wishes to be considered should be submitted in advance of the formal meeting. Where this is not possible, staff should bring the documents to the meeting.

- Should either party table evidence/information during a formal meeting both parties must be given time to review the content. The Chair has the authority to refuse or accept evidence tabled during the hearing.
- All meetings must allow the member of staff the opportunity to comment on the reasons for their absence and progress on the relevant action plans. The outcome of the meeting will significantly depend on the individual's response.
- It is good practice to liaise with the member of staff's representative to confirm the date of a formal meeting minimising the risk of postponement.
- Learning4Life-GY will look to discuss and coordinate availability for the formal meeting with the individual and their representative. Where it has not been possible to discuss and coordinate a date, the Trust will provide a minimum of one alternative date/time (in the event of the individual and/or representative being unable to attend the first date set). If a number of options are available, the member of staff should, without undue delay, select the most convenient. If it is not possible to agree, a second date in a timely manner, the manager will confirm the meeting date and time. If necessary, on this second date, the manager will have the option (with advice from HR and given the careful consideration of reason for the absence) to proceed with the meeting in the individual's absence. Outcomes of the meeting will then be based on the information provided to management.
- Refusal by an individual to attend a meeting, or leave a meeting early may result in the meeting proceeding in their absence. Outcomes of the meeting will then be based on the information provided to management.
- Where a member of staff is unable or does not attend a formal meeting, a third invite letter will advise that the meeting will go ahead and a decision made in their absence.
- Manager/Chair of the meeting will be accompanied by a Human Resources professional during the Stage Two meetings and may be accompanied at Stage One meetings. (Please note in Stage Two, Principal or CEO Director may also be supported by a Human Resources professional when presenting the case).
- Management notes will be taken at formal meetings for the purpose of providing details for the outcome letter. If deemed necessary for matters of efficiency the school may choose to record the hearing and retain a copy of the recording or typed transposed notes.
- Whilst all formal meetings must have notes taken, the outcomes will be confirmed in writing to the member of staff within five (5) days of the meeting; this letter will form the formal record of the meeting and will be held on the personnel file. If a member of staff requests a copy of the management notes they will be provided either as a photocopy of the handwritten notes, a copy of the recording or as a typed transcript.
- Confidentiality and data protection of all written records should be maintained throughout the procedure (for further information and guidance, see Section 9.2.1.4).

Appendix 5

Further Information on Managing Underlying Medical Conditions

1. Where an individual has been diagnosed with a long term condition or a disability, reasonable adjustments may be required to enable the staff member to remain in the workplace. Advice should be sought from a Human Resources professional and any medical service. Further absences due to the disability/long term condition should be managed in accordance with Long Term Sickness Absence (Section 10).
2. Where a staff member has been diagnosed with a critical, progressive, and life threatening or terminal illness, advice should be sought from a Human Resources professional

Appendix 6

NOTIFICATION OF APPEAL FORM

You are required to complete this form and submit it within ten (10) working days of receiving written notification of the decision of your Hearing/Meeting. Your written notification will state who the completed appeal form should be sent to. Once you have formally submitted your Appeal, it will be acknowledged in writing.

Late appeals or appeals on any other grounds will only be considered in exceptional circumstances.

You are advised to consult your representative before submitting this completed form.

Full Name:	Job Title:
Contact Number:	
Name of representative	
Contact Number of Representative:	

Date original Hearing/Meeting held:
Chair of the Hearing/Meeting:
Reason for Hearing/Meeting: Disciplinary / Managing Performance (Capability)/ Managing Sickness Absence/Bullying and Harassment/Redundancy*
Sanction imposed/decisions made/outcome:
* delete as appropriate

Your reason for appealing

I wish to formally appeal on the grounds of:
(please tick relevant box)

Information arising that was not available at the time the decision was made

Undue severity or inconsistency of the sanction

Learning4Life-GY's policy and procedure have not been followed properly

NB If you are claiming information not available at the time you MUST explain why the previously undisclosed information was not presented at the Hearing before the decision you are appealing against was made.

Provide details of the grounds of your appeal:

My representative is available on the following dates:

The following documentation is attached with my appeal form:

Medical evidence enclosed YES / NO

Supporting evidence enclosed YES / NO

Other relevant documents enclosed YES / NO

List the documentation:

I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue allegations may result in disciplinary action being taken against me by the Trust. (In the most serious cases, making false, malicious or untrue allegations can be treated as gross misconduct).

I give my consent for this information to be circulated to relevant members of staff on a need-to-know basis for the purpose of investigating my appeal.

Signature: **Date of Submission:**
(Person raising appeal)

**PLEASE RETAIN A COPY OF THIS FORM AND ALL ITS ATTACHMENTS
FOR YOUR RECORDS**

Manager's Signature: **Date of Receipt:**

Appeal Meeting Date:.....(Manager to attach outcome/decision letter
and notes of meeting)

Appendix 7

Sick Pay

1. Staff that should refer to their terms and conditions/contracts of employment for sickness entitlements.

Appendix 8

Annual Leave and Sickness Absence

1. Staff will continue to accrue their contractual annual leave during sickness. Public holidays do **not** accrue during sick leave.
 2. Where possible, staff who return to work following long-term sickness are expected to use their statutory annual leave accrued during the sickness as part of a graduated/phased return to work.
 - 3.
 4. In line with recent developments in case law¹, staff who are long-term sick have the right to receive at least their statutory entitlement to annual leave (less accrued bank holidays) if their sickness continues into a new leave year.
 5. Staff may request to be paid for their statutory leave entitlement during sickness. Such requests will need to be by agreement with the Principal.
 6. Staff who are sick prior to a pre-arranged period of annual leave and whose sickness extends into the leave period have the right to request that the leave is taken at a later date. Staff will need to provide a medical certificate to reclaim annual leave. Any charges for obtaining the certificate will be reimbursed.
 7. If staff fall sick whilst on annual leave then, the sickness should be reported on the first day of sickness as if they were not on annual leave Staff may claim back the annual leave on production of a medical certificate and any charges for obtaining the certificate will be reimbursed.
 8. In the event an individual should want to take annual leave whilst on long term sick, requests to do so should be made in advance and with the agreement of the Principal. Staff should still request agreement for annual leave that was pre booked prior to their long term sick absence. If no agreement is achieved the absence will be treated as unauthorised and unpaid. When annual leave is agreed that period of time will be recorded as annual leave and paid as annual leave. Staff should always keep the school informed of their availability and contact details as there may be a requirement for them to attend any review meetings.
-

Appendix 9

Other Absences

1. Time Off for Medicals and Other Appointments

- 1.1. Non-urgent appointments with a doctor, dentist or other health professional which can be planned in advance should be made in an individual's own time. Where this is not possible, they should be made at a time which will result in the least impact on the school and agreed with the Principal prior to booking. Staff will be required to use lieu time, make up the time or take annual leave by agreement with the Principal. Proof of appointments may be requested.
- 1.2. Recognising there is less flexibility for hospital appointments and depending on the frequency and duration of the appointment, the Principal should consider whether reasonable time off with pay will be given. Depending on the duration and frequency of medical appointments, members of staff may be asked to utilize annual leave, unpaid leave or TOIL (if used within department).

2. Absence Related to Pregnancy

Under the Equality Act 2010 pregnancy related absences (supported by medical advice) will be considered separately from other sickness absences, and will not be included when monitoring sickness absence.

3. Absences Related to In Vitro Fertilisation (IVF)

Should a member of staff be undergoing fertility treatment, they are not entitled to paid time off during the treatment. They may choose to book annual leave or take unpaid leave. The individual will be expected to provide line managers with adequate notice of appointments, alongside evidence of the appointment.

4. Instances of Suspected Drug or Alcohol Abuse

In cases of suspected drug or alcohol abuse reference should be made to the School's Drugs and Alcohol at Work Policy. If the manager has reason to suspect the individual is abusing drugs or alcohol they will refer the policy. If the individual refuses to accept the offer of help and support, or after treatment the condition does not improve, then action may be taken under the Disciplinary Procedure.

5. Enforced Medical Absence

- 5.1. Although it is not envisaged that this will happen frequently there may be occasions when it is necessary to enforce medical absence with an individual for their own safety, or for the safety of service users, clients and colleagues. Enforced medical absence of this nature will not be connected to the Disciplinary Policy.
- 5.2. The principal enforces medical absence on an individual on grounds listed below. This list is not exhaustive:
 - A manager has doubts about an individual's ability to perform their full range of duties in a safe way following a period of sick absence;
 - An individual is unwell or is suffering from a condition which causes concern and may present a risk to themselves or others;
 - An individual has been in contact with or is suffering from an infectious disease/condition.

6. Cosmetic Surgery

Should a member of staff request time off for surgery that is of a cosmetic nature, and not associated with the treatment of an ongoing condition, the member of staff will not be eligible for any pay. The individual may choose to request annual leave or a period of unpaid leave.

7. Planned Absences and Rosters

Planned sickness absences should be entered onto timetables in good time to allow for absence cover planning.

Appendix 10

Absence and Secondary Employment

Where staff have secondary employment and intend to continue working in this particular capacity, then they should inform the Principal or CEO Director of this as a matter of urgency.