

Sickness Absence Policy

RESPONSIBLE DIRECTOR

Chief Executive Officer

RATIFIED BY TRUST

December 2023

REVIEW DATE

December 2025

Policy statement

1. This Sickness Absence Policy sets out our procedures for reporting sickness absence and for the management of sickness absence in a fair and consistent way.
2. The Trust wishes to provide a supportive environment for those members of staff affected by ill-health and identify and attempt to resolve any underlying causes of absence. The ultimate aim is to continue to encourage and develop a positive culture towards attendance at work.
3. Employee absence does, however, have a direct impact on pupil's learning and an Academy's overall performance. This includes replacement cost whilst the employee is absent; disruption to work in the area as well as increased workload for colleagues; all of which can lead to increase tensions, anxieties, pressure and low morale.
4. This policy aims to ensure that sickness absence is handled promptly, sensitively, fairly, confidentially and consistently.
5. Within the framework of this policy, Headteachers / Principals and Managers will have a vital role to play in monitoring the wellbeing of their staff and influencing employee behaviour and performance.
6. Sickness absence can vary from short intermittent periods of ill-health to a continuous period of long-term absence and have a number of different causes (for example, injuries, recurring conditions, or a serious illness requiring lengthy treatment).
7. This policy does not form part of any employee's contract of employment and it may be amended at any time. We may also vary the procedures set out in this policy, including any time limits, as appropriate in any case.

Scope and Principles

8. This document sets out the Trust's policy on managing sickness absence and provides guidelines for management to recognise and deal efficiently with problems as they arise and, also, for individual employees to be aware of the assistance available to them.
9. Academies should ensure that employees are made aware of the Academy's

procedure for reporting sickness absence as part of their induction. They should also ensure that employees appreciate that failure to comply with the procedure may result in disciplinary action and/or non-payment of sick pay.

10. Managers should be aware that a pattern of sickness absence may be an indicator of other organisational factors e.g. high workload, reduced levels of staffing or poor staff morale.
11. All sickness matters will remain confidential and information will only be made available to those involved with a particular case where this is necessary and appropriate.
12. Where there is medical evidence that the employee is no longer fit to fulfil the requirements of the job, the Trust reserves the right to terminate employment before the expiry of contractual sick pay, in accordance with this procedures.
13. Approved time off work for instances other than sickness, such as compassionate leave, will not be treated as sickness absence.
14. The reasons for and extent of all absences will need to be carefully monitored. Absences relating to pregnancy and maternity must be given further consideration when managing sickness absence. Absences relating to certain other illnesses or medical conditions which occur uniquely or with greater frequency in one gender or race must also be carefully considered. Management will also need to ensure that disabled staff are not unfairly discriminated against through this process. HR advice should be sought where necessary.
15. This policy is not designed to deal with unauthorised absence, nor failure to provide appropriate certificates. These would be considered as disciplinary matters and the disciplinary procedure should be followed.

Who is covered by the policy?

16. This policy covers all employees of BCAT (the “Trust”) regardless of length of service and of which school they work in. It does not apply to agency workers or self-employed contractors. The terms Headteacher and Principal are interchangeable.

Roles and Responsibilities

17. Managing absence is primarily the Headteacher / Principal’s responsibility, although this may be delegated to a senior member of staff. Many managers may not find it easy to discuss employees’ personal problems and feel reluctant to address the issue. However, the problem is unlikely to go away. The management of attendance at work is as much the manager’s responsibility as any other aspect of performance. The process will include both a positive concern for the wellbeing of the individual, and an awareness of the needs of the Academy.
18. The role of the Headteacher / Principal is to manage the attendance of the staff within their Academy. This can be achieved by:
 - a. Making sure everyone knows who to inform if they are off sick, especially the importance of reporting sickness on or before the first day of absence as far as possible and what they need to do if the absence continues.
 - b. Reporting all sickness absences, noting the number of absences and

the working time lost in each occurrence.

- c. Working with the Trust HR Manager, monitoring and regularly reviewing sickness absence, considering whether overall absence levels, or the numbers of absence are high.
- d. Keeping in touch when staff are away. This can be carried out by the Headteacher or other suitable senior member of staff. Agree a date and how contact will be made. The wishes of the employee should be taken into account in choosing a suitable member of staff.
- e. Keeping absent staff up to date with changes at the Academy. For example sending minutes of staff meetings, newsletters, and copies of letters to staff, as appropriate, taking into account the well-being of the employee,
- f. Ensuring that Return to Work discussions are completed after every period of sickness absence. These should ideally be completed by the employee's line manager and should include welcoming and updating the member of staff about what is happening in the Academy and talk over any concerns. In the cases of prolonged absence, a more structured return to work may be required.
- g. Paying particular absence to absence which may be work-related, for example due to stress, and working with the employee's line manager and the Trust HR Manager to support the employee, with the ultimate aim of a successful return to work.
- h. Always treat sickness absence sensitively, flexibly, fairly, confidentiality, and consistently.
- i. Taking steps to intervene more closely if someone has a pattern of short-term absences which triggers concerns and / or has a frequent or long term absence that throws doubt on the prospect of their return to work.
- j. Treating unauthorised absence as a matter of conduct and, if necessary, deal with under the Trust disciplinary procedures.
- k. Keeping in touch with employees should be supportive and positive.

19. It is important that employees familiarise themselves with their Academy's reporting procedures and are aware of the Academy's policy on the management of sickness absence. Employees are required to comply with the following as far as reasonably practical:

- a. Attend work when fit to do so.
- b. Comply with the Academy's sickness absence reporting procedures.
- c. Ensure medical advice and treatment, where appropriate, is received as quickly as possible in order to facilitate a return to work.

- d. Provide the Academy with completed self-certification forms or fit note from the doctors as required.
 - e. Keep their line manager informed of any significant developments.
20. It is the responsibility of the employee to notify their Headteacher / Principal or nominated representative if they are unable to attend work when expected. In exceptional circumstances where the employee is unable to do this personally, a relative or friend may do this on behalf of the employee, but in any event the Headteacher / Principal must normally be informed at least one hour before the usual start time. The reason for absence should be given and, where possible, an indication of the likely length of the absence.

Sickness Absence Definitions

There are two main types of sickness absence:

- **Long Term Absence:** Any period of absence from work because of ill-health lasting more than 4 weeks in total, will be deemed to be long-term sickness. The management process should be started as soon as there is a reasonable expectation that the employee will be off for a significant period. Headteachers / Managers have the right to make reasonable contact with the employee - consulting and obtaining medical evidence are what the law requires managers to do.
- **Frequent Short Term Absence:** Patterns of absence due to minor illnesses that are usually not connected. Such patterns could vary from a relatively large number of single days of absence, to fewer occasions of absence involving a loss of up to a week or more. This type of absence needs to be explored under the terms of the processes set out in this procedure. Frequent absence through sickness may indicate general ill-health that requires a medical investigation to find the underlying cause. It is essential that frequent short-term absence is dealt with promptly, fairly, confidentially and consistently.

Disabilities

21. We are aware that sickness absence may result from a disability. At each stage of the sickness absence meetings 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.
22. 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 the Headteacher/ Principal of the school (or if you are the Headteacher/ Principal, the CEO or Chair of Trust Board, or nominated representative).

Sickness absence reporting procedure

23. Accurate and accessible recording of sickness absence is essential in order to:
 - a. Form part of any evidence in the event of formal action taken.
 - b. Enable a consistent approach to be adopted and to counter, where appropriate, any claims from employees that their absence record is

no worse than others.

- c. To provide information for absence statistics and enable costs to be calculated.
 - d. To ensure employees are paid correctly.
 - e. To identify patterns of absence.
 - f. To detect problems at an early stage.
24. The individual absence record should form part of an employee's record of employment and is confidential. However, employees should be allowed to access their individual record if they so wish.
25. Failure to follow the absence reporting procedure may result in disciplinary action and / or non-payment of sick pay.
26. If you are taken ill or injured while at work you should report to your line manager (or if you are the Headteacher/ Principal, the CEO or Chair of the Trust Board, or nominated representative), to be given permission if necessary to leave work.
27. If you cannot attend work because you are ill or injured, you must notify your line manager or the appropriate member of the school's senior leadership team at least one hour before your usual start time, in order that cover can be arranged where necessary. Please do not text or phone a colleague to pass on information, as it is important that we speak to you directly where possible to ensure your wellbeing. You should provide the following details when notifying your absence:
- a. the nature of the illness or injury;
 - b. where possible, the expected length of your absence from work; and
 - c. contact details;
- The Headteacher/Principal or a designated staff member must ensure that the sickness absence is recorded in the school's management information system. The Headteacher, or if the Headteacher is absent, a senior member of staff must ensure that arrangements are made, where necessary, to cover work and to inform colleagues (while maintaining confidentiality).
28. You should only report yourself as absent owing to your own sickness. If you are unable to attend work for some other reason (e.g., sickness of a child, domestic emergency), the situation should be discussed with your Line Manager and the absence will be dealt with under the most appropriate policy for the circumstances.
29. In some cases, employees may have genuine difficulties in making contact, for example if they have been taken into hospital. In these cases, the Academy should take all reasonable steps to contact the employee to ensure their wellbeing and if they require any emergency medical assistance. This may include contacting the employee's emergency contact if required.
30. You should use your best endeavours to update the most appropriate person on when you will be well enough to return to work. If you agree an expected duration of absence on your first day of absence and are not then well enough to return on this date, you should again follow the absence reporting procedures to update the Academy. If your absence exceeds the amount of time initially indicated, you may be contacted by the Headteacher / Principal, purely to check on your wellbeing, ensure

you have everything you need and if there is anything the Academy can do to help, and to discuss with you a new expected return date. The manager making this contact should ensure that the employee is fit and well enough to talk, and keep the conversation supportive, positive and confidential.

31. If you have any concerns while absent on sick leave, whether about the reason for your absence or your ability to return to work, you should feel free to contact the school at any time.

Certifying Absence

32. In order to qualify for sick pay, employees must provide evidence of sickness or injury. Failure to notify sickness or to produce the required certification may result in the suspension of sick pay until the correct procedure is followed.
33. Upon returning to school, if the absence is due to sickness or injury and lasts for seven calendar days or less, a self-certification form (which is available on the shared drive) must be completed and a return-to-work meeting with your line manager should take place before any duties resume.
34. A 'Fit note' (known as a statement of fitness for work) must be submitted must be provided for absence which last longer than seven calendar days. This should be sent to the Headteacher / Principal / Line Manager as soon as it is obtained, and in any event by no later than the eighth calendar day of illness. This fit note will need to be from your doctor and should state that you are not fit for work and the reason(s) why. Please ensure that the fit note covers the period of absence from the eighth calendar day onwards. If your absence continues, further medical certificates must be provided to cover the whole period of absence. Please note that if your illness falls on the last day of term, or the day preceding a half term, you must still obtain a Medical Statement if your absence lasts longer than 7 calendar days.
35. If your doctor provides a certificate stating that you "may be fit for work", you should send a copy of this to your line manager (or if you are the Headteacher/Principal, the CEO or nominated representative) as soon as possible. We will discuss with you any additional measures that may be needed to facilitate your return to work, taking account of your doctor's advice. This may take place at a return-to-work meeting. If appropriate measures cannot be taken, you will remain on sick leave, and we will set a date to review the situation.
36. Where we are concerned about the reason for absence, or frequent short- term absence, we may require a medical certificate for each absence, regardless of duration.

Unauthorised absence

37. Cases of unauthorised absence will be dealt with under our Disciplinary Procedure.
38. Absence that has not been notified according to the sickness absence reporting procedure will be treated as unauthorised absence.
39. If you do not report for work and have not telephoned the school to explain the reason for your absence, the school will try to contact you. This should not be treated as a substitute for reporting sickness absence.

Sick pay

40. You should refer to your contract for details of the sick pay to which you are entitled.
41. If a period of sickness absence is or appears to be occasioned by actionable negligence, nuisance or breach of any statutory duty on the part of a third party, in respect of which damages are or may be recoverable, you must immediately notify the school of that fact and of any claim, compromise, settlement or judgment made or awarded in connection with it and all relevant particulars that we may reasonably require. If we require you to do so, you must cooperate in any related legal proceedings and refund to us that part of any damages or compensation you recover that relates to lost earnings for the period of sickness absence as we may reasonably determine, less any costs you incurred in connection with the recovery of such damages or compensation, provided that the amount to be refunded to us shall not exceed the total amount we paid to you in respect of the period of sickness absence.

Return-To-Work Meeting

42. A Return-to-Work discussion should be conducted upon the return to work of a sick employee. It is the responsibility of the employee's line manager to arrange this meeting, and it is the responsibility of the employee to attend the meeting and engage fully in the discussion.
43. This discussion should be conducted on the day, or as soon as it is practically possible after the employee returns to work, using the Academy's approved Return to Work Form.
44. Any such meetings should be held during work time. The majority of discussions will be very quick a straightforward, being essentially an acknowledgement of the person's illness and a welcome back to work.
45. The return-to-work discussion is all about supporting employees and helping them to resolve any problems. It is likely to be the most effective single technique for identifying contributory factors and reducing absence. It lets the employee know that they were missed, which is often enough to deter employees with non-geniuene reasons for being away. The meeting should not be used to raise matters which are not absence related.
46. Guidance for line managers on completing return to work meetings can be found in **Appendix A**.

Return-to-workfromlong-termsicknessabsence

47. We are committed to helping members of staff return to work from long- term sickness absence. As part of our sickness absence meetings procedure, we will, where appropriate and possible, support your return to work by:
 - a. obtaining medical advice, which may include occupational health;
 - b. making reasonable adjustments to the workplace, working practices and working hours;
 - c. considering redeployment; and/or
 - d. agreeing a return-to-work programme with everyone affected.

48. If you are unable to return to work in the longer term, we will consider whether you are entitled to any benefits under your contract and/or any insurance schemes which may apply to you.

Referral to Occupational Health or other Medical Practitioner

49. Prompt action or discuss can often prevent a problem from becoming serious. It is essential where ill-health is, or may be, a problem, that Managers make reasonable enquiries to establish the medical position.
50. The prime concern of an Occupational Health (OH) Service is to help the employee remain in employment and to advise how this may best be done. It should not be seen as the place to go only when the situation becomes desperate.
51. An occupational health report will be provided, subject to the consent of the individual, in order to assist Headteachers/ Managers managing an employee's absence and attendance at work.
52. Referrals to HR will be handled by the Trust HR Manager. Where a Headteacher / Manager feels that a referral to OH would be helpful and / or necessary, they should speak to the HR Manger in the first instance. The Headteacher / Manager should then discuss the matter with the employee to advise them of the referral and explain why a medical opinion is being obtained. The HR Manager will then work with the Headteacher / Manager and the employee to complete the OH referral form and formally obtain the employee's consent for the referral.
53. As part of the OH Referral Process, consent is required from the employee to enable the OH Provider to receive a medical report from the employee's GP and / or specialist (if necessary). A medical report will only be requested where this is deemed necessary by the OH Provider, following initial consultation and will be reimbursed by the Academy.
54. It is likely to be in the employee's best interest to provide consent, particularly in cases of permanent or ongoing health issues and prolonged absence that may result in dismissal. Should the employee withhold this consent and a thorough medical investigation cannot be undertaken, then action will be taken by the Headteacher, HR Provider and OH Provider in accordance with the information at its disposal. During any informal or formal review meeting, employees must be made aware of this. Employees should be advised to seek support and guidance from a Trade Union/ Professional Association Representative.
55. The initial OH referral could lead to a variety of outcomes which will depend on the nature and duration of the employee's condition and demands of the job. Guidance for managers and employees on the possible outcomes and appropriate actions can be found in [Appendix B](#).

Sickness Absence Meetings Procedure

56. Early involvement by managers can play an important part in reducing sickness absence. Appropriate action must be taken where there are ongoing concerns about the level of an individual's absence, and consideration can be given to taking action at an earlier or later stage depending on the circumstances. In determining what action to take, the facts of each individual case must be taken into account and the Trust HR Manager can provide support in managing absence appropriately.
57. Any concerns regarding absence levels should have been raised in the return-to-work

discussion in the first instance, or during contact meetings with the employee if the absence is long term.

58. Where problems continue, the Trust may commence this formal procedure if it considers it necessary, including, for example, if the employee:
 - a. has been absent due to illness on a number of occasions;
 - b. have discussed matters at a return to work interview that require investigation; and/or
 - c. have been absent for more than 7 days in any 12 month period (Principals shall be allowed to show discretion in these cases, and should consider the accumulation of absences and the nature of the illnesses).
 - d. Unacceptable patterns of absence (e.g.: regular Friday and /or Monday absences; repeated absences linked to holidays)
59. Unless it is impractical to do so, we will give you 5 days' written notice of the date, time and place of a sickness absence meeting. We will put any concerns about your sickness absence and the basis for those concerns in writing or otherwise advise why the meeting is being called. A reasonable opportunity for you to consider this information before a meeting will be provided.
60. The meeting will be conducted by your line manager or the Headteacher/Principal (or if you are the Headteacher/ Principal, the CEO or nominated representative). You may bring a companion (a work colleague or Trade Union Representative) with you to the meeting.
61. There is a reasonable management expectation that an employee absent owing to sickness, or whose absence levels are cause for concern, should be available to attend meetings to discuss the absence.
62. If the employee is on long term sickness absence, meetings should be held at a mutually convenient time and consideration should be made for the meeting to be held away from the Academy site.
63. The employee should take all reasonable steps to attend a meeting so that the absence can be discussed, with the ultimate aim of a successful return to work, or reduced levels of sickness absence. If the employee is unable to attend through circumstances outside their control and unforeseeable at the time the meeting was arranged the Academy should arrange another meeting. If you or your companion are unable to attend at the time specified you should immediately inform your line manager or the Headteacher/Principal (or, if you are the Headteacher/Principal, the CEO or nominated representative) who will seek to agree an alternative time. A decision may be taken in the employee's absence if they are unable to attend the re-arranged meeting without good reason.
64. A meeting may be adjourned if your line manager is awaiting receipt of information, needs to gather any further information or give consideration to matters discussed at a previous meeting. You will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.
65. Confirmation of any decision made at a meeting, the reasons for it, and of the right of appeal will be given to you in writing within 5 days of a sickness absence meeting (unless this time scale is not practicable, in which case it will be provided as soon as is practicable).

Right to be accompanied

66. You may bring a companion to any meeting or appeal meeting under this procedure.
67. Your companion may be either a trade union representative (either a paid official of the relevant union or someone certified by the union as having experience or training in acting as a companion) or a fellow employee. Their identity must be confirmed to the person conducting the meeting, in good time before it takes place.
68. Employees are allowed reasonable time off from duties without loss of pay to act as a companion. However, they are not obliged to act as a companion and may decline a request if they so wish.
69. If your chosen companion is unavailable at the time proposed for the meeting, you may suggest a reasonable alternative time which is no more than 5 working days after the date first proposed. Where it is practicable to do so the meeting will then be held at the proposed alternative time, although we may need to postpone further if for example not all witnesses are available at the time proposed.
70. We may at our discretion, permit a companion who is not an employee or union representative (for example, a family member) where this will help overcome particular difficulties caused by a disability, or difficulty understanding English.
71. A companion may make representations, ask questions, and sum up your position, but will not be allowed to answer questions on your behalf. You may confer privately with your companion at any time during a meeting.

Sickness absence meetings

Stage 1: first sickness absence meeting

72. The purposes of a first sickness absence meeting may include.
 - a. Discussing the reasons for absence.
 - b. Where the employee is on long-term sickness absence, determining how long the absence is likely to last.
 - c. Where the employee has been absent on a number of occasions, determining the likelihood of further absences.
 - d. Considering whether medical advice is required.
 - e. Considering what, if any, measures might improve the employee's health and/or attendance.
 - f. Agreeing a way forward, action that will be taken and a time-scale for review and/or a further meeting under the sickness absence procedure.
73. The meeting should be a two-way discussion in order to highlight the level of attendance and explore the reasons for and possible remedies to the situation.
74. A target for improvement should be agreed and the period determined over which the improvement will be monitored (suggested review period is 1 to 3 months, depending on the situation).
75. A date for a formal review meeting should be fixed (if the absence continues to be a problem or levels increase further, this review date may be brought forward).
76. The person chairing the meeting should ensure that notes are taken which include details of agreements reached.

Stage 2: further sickness absence meetings(s)

77. If the employee has achieved the agreed target during the review period, no further formal action will be necessary and this will be confirmed in writing to the employee. However, should the employee's absence reach a concerning level within the next 6-month period, the process will be reinstated at this Stage 2.
78. Depending on the matters discussed at the first stage of the sickness absence procedure, a further meeting or meetings may be necessary, for example if the employee has not met the target for absence levels set at the first stage. Arrangements for meetings under the second stage of the sickness absence procedure will follow the procedure set out above on the arrangements for and right to be accompanied at sickness absence meetings.
79. The purposes of further meeting(s) may include:
 - a. Discussing the reasons for and impact of your ongoing absence(s).
 - b. Where you are on long-term sickness absence, discussing how long your absence is likely to last
 - c. Where you have been absent on a number of occasions, discussing the likelihood of further absences.
 - d. If it has not been obtained, considering whether medical advice is required. If it has been obtained, considering the advice that has been given and whether further advice is required.
 - e. Considering your ability to return to/remain in your job in view both of your capabilities and our business needs and any adjustments that can reasonably be made to your job to enable you to do so.
 - f. Considering possible redeployment opportunities and whether any adjustments can reasonably be made to assist in redeploying you.
 - g. Where you are able to return from long-term sick leave, whether to your job or a redeployed job, agreeing a return to work programme.
 - h. If it is considered that you are unlikely to be able to return to work from long-term absence, whether there are any benefits for which you should be considered.
 - i. Agreeing a way forward, action that will be taken and a time-scale for review and/or a further meeting(s). This may, depending on steps we have already taken, include warning you that you are at risk of dismissal.
80. The meeting should be supportive and aim to resolve the situation. It will seek to identify the reasons for the absence and the measures that can be taken to improve attendance, such as variations to working arrangements. A target for improvement should be agreed and the period determined over which the improvement will be monitored. Suggested review period is between 1 to 3 months, depending on the situation.
81. A date for a formal review meeting should be fixed (if the absence continues to be a problem or levels increase further, this review date may be brought forward).
82. Guidance may be sought at this stage from Occupational Health if not previously sought.
83. The person chairing the meeting should ensure that notes are taken which include details of agreements reached.

Stage 3: final sickness absence meeting

84. If the employee has achieved the agreed target during the review period, no further formal action will be necessary, and this will be confirmed in writing to the employee. However, should the employee's absence reach a concerning level within the next 6-month period, the process will be reinstated at this Stage 3.
85. Where you have been warned that you are at risk of dismissal, we may invite you to a meeting under the third stage of the sickness absence procedure. Arrangements for this meeting will follow the procedure set out above on the arrangements for and right to be accompanied at sickness absence meetings.
86. The purposes of the meeting will be:
 - a. To review the meetings that have taken place and matters discussed with you.
 - b. Where you remain on long-term sickness absence, to consider whether there have been any changes since the last meeting under stage two of the procedure, either as regards your possible return to work or opportunities for return or redeployment.
 - c. To consider any further matters that you wish to raise.
 - d. To consider whether there is a reasonable likelihood of you returning to work or achieving the desired level of attendance in a reasonable time.
 - e. To consider the possible termination of your employment.
 - f. If a decision is taken to terminate your employment termination will normally be with full notice or payment in lieu of notice.
87. Full advice on the procedure for the Stage 3 Meeting can be found in Appendix Appendix C.

Appeals

88. You may appeal against the outcome of any stage of this procedure, and you may bring a companion to any appeal meeting (see 'Right to be accompanied').
89. An appeal should be made in writing, stating the full grounds of appeal, to the Headteacher/Principal or CEO within 5 days of the date on which the decision was sent to you. In those circumstances where the Headteacher /Principal has conducted the stage of the process against which you are appealing, your appeal should be addressed to CEO).
90. Unless it is not practicable, you will be given written notice of an appeal meeting within one week of the meeting. In cases of dismissal the appeal will be held as soon as possible. Any new matters raised in an appeal may delay an appeal meeting if further investigation is required.
91. You will be provided with written details of any new information which comes to light before an appeal meeting. You will also be given a reasonable opportunity to consider this information before the meeting.
92. Depending on the grounds of appeal, an appeal meeting may be a complete rehearing of the matter or a review of the original decision.

93. Following an appeal, the original decision may be confirmed, revoked or replaced with a different decision. The final decision will be confirmed in writing, if possible within 5 days of the appeal meeting. There will be no further right of appeal.
94. The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity or pay.

Ill-Health Retirement

Instances of ill-health retirement can arise either by direct application from an individual employee or through investigation into absence problems. Ill-health retirement is only applicable if medical opinion confirms the individual as permanently unfit and all other options have been exhausted. The processes involved will depend on whether the employment of the individual concerned is subject to the Local Government Pension Scheme (LGPS) or to the Teachers' Pension Scheme (TPS). At the point of application for ill-health retirement, any capability procedures invoked will be temporarily suspended for an agreed period, with the right reserved by the Headteacher to reinstate the procedures should the application be unsuccessful.

Ill-Health Retirement – Teaching Staff

- Teachers' Pension's [Ill-Health Retirement Guide](#) provides the information that is necessary to know when a teacher considers applying for ill-health retirement with the TPS.
- If a teacher's application for early retirement on the grounds of ill-health is not successful then other options including dismissal on the grounds of incapability through ill health will be considered and the procedure set out in this policy will be followed.

Ill-Health Retirement – Non-Teaching Staff (LGPS)

- Information on Ill-Health Retirement within the Local Government Pension Scheme can be found [here](#).
- If an employee wishes to be considered for ill-health retirement the Headteacher should refer the individual to the Schools' OH Provider.
- If the employee is a member of the Local Government Pension Scheme and ill health retirement is recommended by the Occupational Health Physician, the School must decide whether to accept the recommendation for the ill-health pension to be paid; and to end employment on the grounds of ill health.
- A Final Sickness Absence Meeting will then be conducted with the advice of the Trust HR Manager at which the recommendation for Ill Health Retirement from the LGPS and dismissal can be considered.
- The member of support staff will have a right of appeal to the Governing Body against the decision to dismiss and a separate right to appeal against the pension decision. If they wish to appeal against the pension decision, they must do so using the Pensions Internal Disputes Resolution Procedure
- If a member of the support staff holds more than one post either within one school or in more than one school a separate recommendation and decision will need to be reached for each post.
- If early retirement on the grounds of ill health is not recommended, then other options including dismissal on the grounds of incapability through ill health will be considered and the procedure set out in this policy will be followed.

Appendix A

Return to Work Meeting Guidance for Line Managers

Prior to the meeting, gather all necessary information regarding the period of absence. In particular, look for any emerging patterns of absence.

The meeting must be held in private, be informal and helpful to the employee. This meeting should not normally be conducted over the telephone although sometimes it may be appropriate to do this. The employee should be given the opportunity to discuss matters with a manager of their own gender, or a manager other than their own line manager, if they so wish.

The purpose of the interview is to:

- Welcome the employee back.
- Review the absence period.
- Check that the employee is ready to work normally.
- Emphasise that they were missed.
- Remind the employee of their previous absence record and raise any concerns.
- Provide an opportunity for the employee to raise other, wider issues of concern.

In addition, for longer term absence:

- Make the employee aware of any changes that have occurred during the absence period.
- Brief the employee on how their work was covered during their absence and to help them pick up their work again.
- Discuss their phased return to work if recommended by Occupational Health.
- Agree review periods if applicable.

Appendix B

Outcome of OH Referral

Possible Outcome	Guidance for Managers
Employee will likely return to work within a week or two	<p>Line managers must ensure that at the return to work interview they establish the employee's state of health and whether there is anything that needs to be done to avoid a recurrence of the illness. The situation should be monitored by the Headteacher/ Manager.</p>
Employee is temporarily unfit but will be able to return to work after a period of recuperation/ rehabilitation	<p>Regular meetings between the Headteacher/ Manager, the HR Provider and OH Provider should be arranged throughout the period of sickness so that there is a clear understanding of the employee's fitness and future employment prospects.</p> <p>Further referral to OH or requests for more information from GPs and specialists may be required.</p> <p>If the employee refuses to comply with a request for medical evidence to be obtained, they should be advised that the medical input is required to assist their return. Refusal may result in non-payment of sick pay and appropriate action will be taken by the Headteacher/ Manager, HR Provider and OH Provider in accordance with the information at its disposal. During any informal or formal review meeting, employees must be made aware of this.</p>
Employee is able to continue in their present role with reasonable adjustments or are fit with restrictions	<p>At an appropriate time the Headteacher / Manager will need to arrange a meeting with the employee to discuss the options available. A representative from the OH or HR Provider may be present. The employee has a right to have a Trade Union / Professional Association representative or work colleague present.</p> <p>The options that could be discussed include:</p> <ul style="list-style-type: none">• Job re-organisation• Part-time working• Disability aids/enabling technology• Phased return. The employee builds up from reduced hours to their contractual hours over an agreed time period, for a

	<p>maximum of 4 weeks or as recommended by OH. This should normally be agreed where it is stipulated by OH or medical advice which will take account of any information provided on the 'fit note'.</p> <p>Information from ACAS on Reasonable Adjustments in the Workplace can be accessed here. Consideration will be given to any impact on pupils' learning, as well as to the operational and financial impact.</p>
<p>Employee is permanently unfit to undertake their present duties, but may be able to continue working in a different capacity</p>	<p>Redeployment arrangements - if the employee's medical condition is such that returning to their post will detrimentally affect their health but they are able medically, to be considered for alternative employment, redeployment arrangements should be considered where possible.</p> <p>Redeployment is the process whereby an employee may be transferred to another suitable post within the Academy or Trust if they are unable to continue in their current post because of medical reasons indicated by OH. OH will advise of the type of duties the employee can be considered for. Redeployment will be considered for a maximum period of three months. If no suitable alternative job has been found and the employee's sickness record is such that they are incapable of satisfactorily performing the job for which they are employed, they will be dismissed on the grounds of capability.</p>
<p>Employee is unfit to undertake their present or other duties</p>	<p>Consideration needs to be given as to whether continued employment is reasonable in the circumstances, also having regard to the effect of the absence on the job.</p> <p>A dismissal should take place once all other options have been considered. It should be remembered that a dismissal on ill-health grounds is through no fault of the individual and therefore must be treated sensitively. The Trust HR Manager must be consulted if there is likely to be a dismissal on the grounds of incapability due to ill-health.</p> <p>If the Occupational Health Physician recommends that the individual will never be fit to return to work or to return to work</p>

on a regular basis, there will be no alternative but to make the necessary arrangements for retirement on the grounds of ill-health, if the employee is a member of the pension scheme. This assessment can only be made when the process is at the point of dismissal.

In cases where the individual is deemed to be unfit to undertake their present or other duties by a professional physician (either the Trust appointed doctor or the employee's own General Practitioner (GP) or Consultant), may be permitted to proceed through the formal procedures by means of 'fast track' to the Final Formal Review Meeting. This is subject to confirmation by the relevant health professional and in agreement with the, Headteacher or CEO and after consultation with the Trust HR Manager.

In order for the employee to opt for the 'fast track' procedure, they must be made fully aware of the reasons for this option being offered and must waive their rights to the full formal stages of the Trust Sickness Absence Procedure in writing.

Appendix C

Process for a Stage 3: Final Sickness Absence Meeting

HR Advice

Advice from the Trust HR Manager must be sought prior to the meeting. It is recommended that an HR representative should be in attendance at the meeting.

Notification of Meeting

The Headteacher/Manager must write to the employee informing them of the mutually agreed date, the reason for the meeting and that they are at risk of being dismissed due to their lack of attendance. The employee may produce any further medical evidence for consideration at least 3 working days prior to this meeting. The employee has the right to be accompanied by a Trade Union/Professional Association representative or work colleague. The employee should be encouraged to call upon the advice of their Trade Union/Professional Association representative or work colleague.

Chairing the Meeting

This meeting must be chaired by the Headteacher or a panel of Governors depending on who has the authority to make the initial decision to dismiss.

Written Evidence

Prior to the meeting all parties will be given copies of any relevant written information that will be used to consider the decision. This will normally include:

- A report summarising the ill health record and the sequence of events leading up to the decision to convene the final meeting.
- A chronology of key issues/events relating to the health of the employee.
- Details of any adaptations, adjustments or support that have been put in place with relevant dates.
- Advice and opinion from the OH Provider. This may include advice on likely eligibility for ill-health retirement.
- Notes of any meetings that have been held with the employee.
- Details of any consideration given to redeployment including outcomes.
- Summary of the impact of the absence on the Academy.
- A copy of this Sickness Absence Policy.

Hearing:

The employee (and/or their representative) and the Headteacher/ Manager will be given the opportunity to put forward their case, and to question each other.

Each case needs to be considered in the light of all information available. There are a number of options to consider at this point:

- Further action, with an agreed timescale, to try and address the problem. This option will only be pursued if there are clearly identified reasons why further action is likely to lead to an improvement where it has not done so previously. The employee should be told that if their attendance levels do not improve it could lead to dismissal.
- An agreed change to the contract of employment so that it reflects the capabilities of the employee. This may involve a change to the hours or work, the pattern of working hours or the content of the job. The employee should be told that if their attendance levels do not improve it could lead to dismissal.

- Dismissal on the grounds of incapability, in accordance with the School Staffing (England) Regulations 2009.
- Ill-health retirement where relevant.

If there has been a sufficient reduction in the level of absence, the employee should be informed that the matter will not be progressed any further at this stage. However, should the employee's absence level reach a level of concern within the next 12 month period, the procedure will be reinstated at the this Stage 3.

At the end of the meeting where the initial decision to dismiss is taken the notice period will commence in accordance with the employees contractual and statutory entitlement. During this period the employee will be entitled to full pay irrespective of their current sick pay status.

Notification of Outcome

The outcome of the meeting must be confirmed to the employee in writing within 5 working days.

Right of Appeal

The employee has a right of appeal against the decision by writing to the Governing Body within 7 calendar days of the date that they were informed.

Checklist to be undertaken before any decision is made to dismiss on the grounds of incapability or ill-health

- Has medical opinion been obtained and considered?
- Has the member of staff and / or their representative been given the opportunity for full consultation?
- Have other options been fully explored such as :
 - adjustments to duties
 - working environment
 - redeployment
 - ill-health retirement

Has the Academy's position been made clear?

Has the sickness absence procedure been followed?

Has the employee been given the right to a hearing (at the final formal review meeting) before a decision to dismiss is made?

Has the employee been given the right of appeal against dismissal to the Governing Body?

Appendix D

Miscellaneous considerations relating to sickness absence

Carrying out other appropriate duties

If an employee has been asked to refrain from work with a fit note by their GP and is not considered fit to undertake their normal duties (e.g. if they have a broken limb) but the employee wishes to undertake other appropriate duties, such duties can only be undertaken following a suitable risk assessment, usually conducted by the Headteacher/Manager.

Medical Suspension

In the instance of conflict of medical advice, e.g. where an employee believes they are fit for work and the employer believes the employee is unfit to work and / or their continuation at work may pose a risk to colleagues / pupils, medical suspension may be considered and further medical advice sought. Payment during medical suspension shall be full pay.

Confidentiality and Dignity

If a formal attendance review process is undertaken, the proceedings will remain confidential. Medical reasons for all sickness absence are considered strictly confidential in accordance with the Data Protection Act and Access to Medical Records Act and should normally only be divulged to a third party external to the organisation with the prior consent of the employee.

Terminal and Serious Illness

Where employees have terminal or very serious illnesses, their situation should be treated with the greatest sensitivity and sympathy. Headteachers are strongly advised to seek help and support from their HR and OH Provider when managing staff with terminal illness. The Trust will always approach such cases with the employees wellbeing at the front and centre, using a flexible approach in terms of process and sick pay.

Employee Assistance Programme

BCAT employees have access to the Employee Assistance Programme, a support network which enables completely free access to a range of wellbeing support and benefits, including medical information, a nurse helpline, and access to counselling (including CBT if required). Our EAP is provided by Health Assured. You can access free life support, therapy sessions and medical information by contacting the EAP on 0800 028 0199. The EAP can be contacted 24 hours a day, 7 days a week, 365 days a year. You will initially be triaged for the issue you are experiencing, and will then set up a plan of action for the best course of treatment for you, whether this is face to face, online or telephone counselling. Your immediate family members can also access the services of the EAP. Health Assured also provide employees with a Wellbeing Portal, through which you can access a range of health and wellbeing information. To access the portal, visit www.healthassuredeap.com and enter the following details:

Username: bcat

Password: mindbodyhelp

Legislation

- Equality Act 2010: Sickness absence related to disability should be treated with particular care and sensitivity. If sickness absence is related to a disability, the School has a duty under the Equality Act 2010 to make reasonable adjustments. Adjustments can take a number of forms such as time off for treatment, change to

working hours or workload, work area, etc. If the employee is unable to return to work, and no reasonable adjustments or redeployment are possible, it may be lawful to end their contract of employment. Accordingly, all those responsible for managing and supervising staff, must ensure that in dealing with particular cases they comply with the provisions of the Act

- The Management of Health and Safety at Work Regulations 1993: These regulations require effective systems and action to be taken to identify, prevent and reduce risks to the health and safety of employees. Many of these responsibilities, including the management of sickness absence, can only be implemented effectively with the active support of the Headteacher and the management team.
- Health and Safety at Work etc, Act 1974: The Health and Safety at Work etc. Act imposes a general obligation that "it shall be the duty of every employer to ensure as far as is reasonably practicable, the health, safety and welfare of all its employees". Absences due to work related stress have become more evident within the Education Service. Headteachers and Governing Bodies should note that the Health and Safety at Work Act gives the employer a responsibility to provide a safe working environment, taking into account the physical and mental well-being of all staff.

Keeping in Contact

Headteachers/ Managers have a duty to make reasonable contact with the employee during a period of absence. Employees should keep their Headteacher/ Manager informed if their normal contact details change, for instance if they go into hospital or if they are being cared for away from home.

Sickness Following an Accident at Work

If an employee is absent through an illness or injury connected with an accident at work, the Headteacher/ Manager must complete an accident reporting form. If sickness absence is related to an accident at work, the Academy may have a duty to report the incident to the Health and Safety Executive (HSE).

Sickness absence which is related to an accident at work should be treated with particular care and sensitivity. The Policy should be followed in the normal way, but discretion may be needed as to how the specific case is dealt with dependent on the particular circumstances. Further advice and guidance must be sought from HR and OH Provider.

An employee has a responsibility to inform the Academy of any successful third party claim. The Academy reserves the right to reclaim any sick pay already paid to an employee and included in this compensation in these circumstances.

Health Standards

Education providers are required to ensure that teachers and other school staff have a sufficient standard of health and physical capacity to undertake a range of relevant activities required of teachers and wider school staff. The legislation covering this can be found in the Education (Health Standards) (England) Regulations 2003, including a range of the typical functions of school staff.

The health standards are intended to help ensure pupils' welfare. This means that a School must not continue to employ a person in relevant activities unless they have the health and physical capacity for such employment.

Probation

Where appropriate, attendance should be dealt with as part of the review stages of the probationary period.

