**Staff Absence Policy (Sickness)**

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SCC Sickness Absence Management Policy and Procedure

Contents

1. Purpose
2. Scope, aims and principles
3. Roles and responsibilities
4. Disability
5. Pregnancy-related absence
6. Absence due to alcohol or drug misuse
7. Referral to occupational health
8. Sickness absence reporting procedure
9. Certification
10. Sick pay
11. Monitoring absence
12. Unauthorised absence
13. Trigger points
14. Short-term and long-term absence definitions
15. Informal stages: return to work / informal meetings
16. Formal stages: ill health capability review procedure
17. Appeals
18. Medical redeployment or retirement

Appendix 1: Procedure for a Hearing
Appendix 2: Self-certification form
Appendix 3: Return-to-work meetings
Appendix 4: Invitation to informal meeting indicating intention to move to formal procedure
Appendix 5: Outcome of informal meeting - notification of move to formal procedure and invite to First Health Review Meeting
Appendix 6: Outcome of First Health Review Meeting
Appendix 7: Outcome of Final Health Review Meeting
Appendix 8: Invitation to formal ill health capability review hearing
Appendix 9: Outcome of formal ill health capability review hearing
Appendix 10: Summary
Appendix 11: Making a referral to HML
Appendix 12: Communication during absence
Appendix 13: Sickness absence reporting
1: Purpose

This model Sickness Absence Management Policy and Procedure has been developed to assist Headteachers and governing bodies to manage sickness absence and to create a culture of attendance, underpinned by clear reporting procedures and active management and monitoring of absence throughout the school.

Everyone feels the impact of ill-health and absence. It can significantly affect how the school performs and affects the service the school provides.

2: Scope, aims and principles

This procedure applies to all staff, except during any probationary period, when probation procedures will apply. The use of the term ‘manager’ throughout this procedure refers to the person who has responsibility for managing attendance of an employee or group of employees.

The governing body aims to:

- Maintain high levels of attendance;
- Minimise disruption to the education of pupils;
- Treat employees’ absence in a consistent, fair and sensitive manner;
- Provide a reasonable and safe working environment, appropriate welfare support, and advice on general health issues
- Enhance employee relations
- Ensure prompt action is taken
- Recognise where relevant training is necessary
- Create a positive culture which supports the health, safety and wellbeing of staff

The school’s principles are:

- Good attendance is recognised and valued
- All absences are treated as genuine, unless there is reason to doubt this
- The absence management procedure is designed to be proactive and support rather than punitive
- Management of absence will be dealt with in a non-discriminatory way
- Individuals and health-related information will be treated with respect and in confidence, in accordance with the requirements of the Data Protection Act and the Access to Medical Reports Act
- Open communication between managers and employees is greatly encouraged
3: Roles and responsibilities

The Governing Body is responsible for minimising the disruption to the school due to the absence of its employees. The purpose of this policy is to ensure that:

- The school exercises its duty of care and has proper regard to the health, safety and welfare of its employees;
- The Governing Body’s [and, where appropriate, the Local Authority’s broader] responsibility to promote a healthy workforce is acknowledged;
- All members of staff understand that repeated or long term absence has a demotivating impact on other colleagues and impacts on the learning and achievement of pupils;
- All members of staff understand that absence always has a cost, whether direct or indirect.

The Governing Body will monitor and review this policy from time to time; delegate to the Headteacher the necessary discretion to operate absence management procedures and arrangements; and ensure that fair and consistent standards are applied to the management of absence.

The Headteacher (with the assistance of senior staff) is responsible overall for the day-to-day management of sickness absence. They will also ensure that all management employees have appropriate training/coaching on this policy and its guidelines to ensure consistency of its application. The Headteacher is also responsible for ensuring that all employees have a return to work meeting on their first day back from every absence, or as soon as reasonably practicable, regardless of its duration, and that the relevant forms are completed and then passed to the Bursar/Business Manager in a timely manner for recording and monitoring absence.

The Secretary will ensure that the school has suitable arrangements for enabling employees to notify absence; for communicating information about absence in a timely manner for payroll and other necessary purposes; and for following up absence in appropriate circumstances in line with HR guidance.

Employees have a duty to attend for work unless they are unable to do so through sickness or injury, or unless their absence has been otherwise approved. They have a responsibility to report their own absence through sickness or other emergency using the school’s procedures, and to produce medical evidence as required. Employees are also expected to participate fully in any occupational health or other appropriate medical review process/provision offered by the school, or other agencies, in support of their health and attendance at work. Failure to do so may limit the support or information that the school is able to consider when making decisions under this procedure.

Further information about monitoring is set out in section 11.

4: Disability

The Equality Act 2010 makes it unlawful for the school to unjustifiably treat a person with a ‘protected characteristic’, such as a disability, less favourably than a person who does not have a disability for any reason related to the person’s disability. Disability should not be equated with poor health.

The Act also requires employers to consider all reasonable adjustments in the school which would enable an employee with a disability to continue to work. Therefore, the school will ensure that all reasonable adjustments are considered and, where possible, provided, in discussion with the employee.
The definition of disability, according to the Equality Act 2010 is “a physical or medical impairment which has a substantial and long-term negative effect on his or her ability to carry out normal daily activities”. Long-term in this definition is taken to mean more than 12 months (i.e. where from the diagnosis, the illness is likely to last more than 12 months). This definition also includes long-term illness such as cancer; HIV; and mental health problems such as clinical depression.

5: Pregnancy-related absence

It is recognised that a pregnancy may result in various medical absences at different stages and the school will treat these supportively. No action under the provisions of this procedure will be taken against a female employee who is absent from work due to a pregnancy related illness. However, absence levels will continue to be monitored and where the school has concern about the reasons or lengths of absence, it reserves the right to formally investigate the nature and cause of the absences.

Absences in the four weeks leading up to the expected week of childbirth may result in maternity leave starting early at the request of the employer. For further information, see separate Maternity guidance.

6: Absence due to alcohol or substance misuse

Where poor attendance is related to alcohol or drug use, the Headteacher/line manager should seek advice from their HR Caseworker.

7: Referral to occupational health

Early occupational health advice can be a significant part of supporting an employee to improve their attendance; recover their health; or achieve a successful and sustained return to work. The school will consider accessing appropriate profession occupational health advice and support as necessary. The headteacher will normally make any referral, although this responsibility can be delegated to another senior member of staff.

The employee will be advised that a referral is going to be made and, be encouraged to seek the support of the school’s wellbeing programme and the support of their professional association if they have not already done so. In some circumstances, it may be necessary to inform the employee in writing. An employee will not be compelled to attend a meeting with occupational health, but will need to be made aware that the school may have to make a decision about his/her continued employment without the help of a medical opinion, which may be to the employee’s disadvantage, if they choose not to participate in any review offered. Failure to engage with occupational health support may also affect the entitlement to occupational sick pay.

The support of occupational health can be sought at any stage and need not wait until the employee is absent due to ill health. Normally however, the headteacher (or other nominated senior manager) will refer an employee when a return to work interview or a ‘trigger point’ (see section 13) suggests it may be appropriate, or where the employee continues to be absent after ten working days. In some circumstances, referral may not be necessary, for example, where the nature of the medical condition is clear, the prospect of return to work well-defined (e.g. a broken limb or routine surgery) and advice regarding appropriate support and/or adjustments in the workplace is readily available, for example, from the employee’s GP or a consultant.
Where it is known at the outset of the absence that an employee will be absent for an extended period, particularly in the case of stress-related absence, an earlier referral will be actively considered. There is no self-referral process for employees, although an employee may request to be referred by the school.

7.1: Factors to be considered by occupational health

Depending on the questions asked by the school as part of the referral, the occupational health service is likely to consider the following:

- Whether or not the employee is likely to attend work regularly and resume the full duties of the post in the foreseeable future
- Whether there is a disability; how any disability affects the employee; and whether any adjustments are required
- Any recommendations on convenient and effective ways in which duties or circumstances could be re-arranged, on either a temporary or permanent basis, taking into account the fitness and ability of the employee and recognising the individual circumstances of the school and its over-riding need to provide a high quality education for its students
- If not, whether there are other kinds of work which would suit his/her abilities, or which, with further training, could be considered
- Whether ill-health retirement is an option
- Whether there is any other support the school, or other agencies, could reasonably consider offering.

Following an employee being assessed by Occupational Health, a report will be sent to the Headteacher, or to the senior manager who has made the referral. In the case of a headteacher, this will be sent to HR who will liaise with the Chair of Governors.

Where Occupational Health advice is that the employee is fit for normal duties, they should return to work upon expiry of the current medical certificate. The report may recommend a phased return to work and/or light or limited duties for a limited period.

In situations where Occupational Health recommends a therapeutic or a phased return to work, every reasonable assistance will be provided to the employee to facilitate this. All returns to work should be agreed within a specific timescale and the employee’s progress reviewed by the line manager at regular intervals throughout the period.

7.2: Possible Outcomes of Occupational Health Assessment

Fit for work with no adjustments: the employee is fit to return to work with no adjustments to his/her working pattern. It is vital that the Headteacher or nominated person arranges a Return to Work Meeting to discuss the employee’s return to work.

Continue to Monitor: it may be that no immediate action is necessary other than to continue to monitor the situation and to organise temporary cover. This approach will be appropriate where a full recovery is likely within a timescale that will not cause unacceptable operational difficulties.
**Reasonable Adjustments:** Occupational Health may suggest reasonable adjustments to the employee’s working environment or role in order to facilitate his/her return to work. It is for the school to decide what adjustments are reasonable having considered the suggestions made in the report.

**Therapeutic visits or Phased Return to Work:** there may be certain cases where following a long term illness, Occupational Health recommends that it would be beneficial for an employee to return to work on a reduced hours basis, until his/her health has fully recovered. It is expected that a phased return to work should last no more than 4 to 6 weeks. The school will be required to pay the employee his or her normal full salary during the duration of the phased return but for no longer than 4 to 6 weeks. Where a therapeutic return is recommended, it will usually consist of a series of short visits to the school without the expectation that the employee will perform their normal contractual duties and will normally precede a phased return. During such therapeutic visits, the employee is still absent due to ill health and in receipt of appropriate sick pay benefits.

**Change of Role:** Occupational Health may suggest that the employee would benefit from a change in role or change of duties sufficient for it to be considered a new role. In some cases, it may not be possible to accommodate this suggestion in the same school. In these circumstances, the school will seek advice on any options for supporting the employee to find suitable alternative employment.

**8: Sickness absence reporting procedure**

On the **first day of absence** the employee must personally notify the Headteacher (home or mobile number) of his/her absence due to ill health as early as possible in the circumstances, and no later than 7.00am. The reason for the absence and an indication of its likely duration should also be given. Unless otherwise agreed, the employee should contact the school on each subsequent day of absence.

Unless the employee is seriously ill or incapacitated, the employee should contact the Headteacher, rather than asking a friend or relative call on their behalf. Only in the most serious of cases, will it be acceptable for a text message or e-mail to be sent instead of making personal contact.

If the employee has been unable to speak to the line manager / another member of staff, at the time of reporting the absence, they may expect further contact from the school to clarify the nature of the absence, its likely duration, any immediate work commitments that will need to be covered or re-arranged, and to discuss any support the school may offer, as necessary.

Failure to follow the local reporting arrangements could result in the absence being recorded as unauthorised. Failure to comply with the reporting and certification procedures may result in loss of sick pay; persistent failure to comply may result in disciplinary action.

If the absence is due to an accident or injury sustained during the course of work duties, this information and the name of the person to whom the incident was reported must be made known. This is to ensure that the school’s management has properly recorded the incident and, where necessary, taken appropriate remedial action.
9: Certification

All employees must complete a self-certification form on their return to work for all absences up to and including seven consecutive calendar days. For all absences of eight consecutive calendar days or longer, the employee must provide a doctor’s certificate (“Fit Note”). The requirement for sickness absence to be certificated includes school closure periods.

The employee must keep the school informed of progress. For longer term absence, the school will seek to agree a regular pattern of contact, usually weekly, with the absent employee. Headteachers/line managers should keep a record of their contact with the employee. Other than in the most exceptional circumstances, it is not acceptable for there to be no contact between the school and its employee.

10: Sick Pay

Employees have an entitlement to receive sickness pay during any period of sickness. This consists of Statutory Sickness Pay and an Occupational Sickness Pay entitlement.

In this school, in exceptional circumstances, the governing body may consider using its discretion to extend an employee’s entitlement to occupational sick pay, in the knowledge that any costs of doing so will fall to the school’s budget. In the case of teachers absent due to accident, injury or assault attested by an approved medical practitioner to have arisen out of and in the course of the teacher’s employment, the period of full sickness pay is automatically extended up to the date of recovery, but not exceeding six calendar months.

11: Monitoring absence

To ensure that any action taken against an employee for unacceptable levels and/or pattern of absence is appropriate, it is important that an accurate and consistent method of monitoring has taken place. Effective monitoring of absence is dependent on effective recording of absence. As part of induction, new employees will be made aware of the school’s absence reporting arrangements and the expectations that the school has of good attendance. All employees will be made aware that the school will address concerns about absence levels.

It is the responsibility of the headteacher to determine whether formal action is taken. The decision will be based on the cause, amount and frequency of the absence. It should be noted that none of the definitions set out as part of this procedure prevents earlier intervention if appropriate, nor is it necessary to wait until sick pay has expired before further action is taken.

12: Unauthorised absence

It is the employee’s responsibility to adhere to the absence reporting procedures as set out above. However, if an employee fails to report to work, without informing their line manager, it is important that the situation is investigated and the employee given an opportunity to explain. If, after all reasonable efforts have been made to contact the employee, they remain absent without leave, it may be treated as an unauthorised absence without pay and may warrant an investigation under the School’s Disciplinary procedures.
13: Trigger points

To enable managers to monitor absence levels trigger points have been agreed. The School’s senior leadership team will continuously monitor these levels, and will investigate with the employee any levels or patterns of absence which cause concern and decide whether any action (informal or otherwise) is required.

In any event, absence that reaches any of the following trigger points will be investigated in every instance:

- Three occasions, or ten working days or more, absence in a rolling three months’ period;
- All long term absences (10 or more working days)
- Unacceptable patterns of absence (e.g. regular Friday and/or Monday absences or school closure periods)

Due regard must be taken of the Equality Act in relation to disability and pregnancy so as to ensure employees are not placed at a disadvantage as a result of these protected characteristics. Therefore absence relating to rehabilitation, assessment and treatment of a disability and pregnancy related absence should be excluded from the triggers (see the sections 4 and 5 above). Due support and regard should also be given to employee who may be experiencing the effects of, for example, drug or alcohol misuse or domestic abuse.

It should be noted that the above trigger points do not prevent earlier intervention if appropriate. Any employee, who the school finds to be abusing the school’s sickness absence management arrangements, will be subject to disciplinary procedures, which may lead to dismissal.

14: Short-term and long-term absence definitions

For the purpose of this procedure, short-term absence has been defined as including any of the following scenarios:

- Occasional short-term absence, or
- Recurrent short-term absence where the causes differ and appear to be unrelated, or
- Recurrent short-term absence with an underlying medical condition, or
- Unacceptable patterns of absence (e.g. regular absences either side of weekends or school closure periods)

For the purposes of this procedure, long-term absence is defined as follows:

- Continuous absence for a period exceeding 10 or more working days, or
- Where the actual and anticipated future health of the employee makes a return to their current role very unlikely, at least in the immediate future, or
- Recurrent long-term absence with an underlying medical cause.

The school recognises that an employee facing a substantial period of absence from work due to ill health may feel anxious and vulnerable. School managers will be sensitive to these feelings and provide support and reassurance wherever possible. It is important to maintain contact during the absence; the nature and frequency of which is best defined as early as possible between the manager and the employee. On occasion it may be appropriate to meet at a neutral venue, or to make a home visit (although this should only occur with the express permission of the employee). Employees should also be asked if they would
like to receive news, information or briefings available to other colleagues. If an employee requests that there should be no contact at all during sickness, the reason for this should be explored with him/her (or a nominated representative) – the assistance of the HR Caseworker should be sought if necessary.

As with short-term absence, there is a need to follow a consistent procedure. At all stages, the headteacher / manager should advise the employee of their rights.

15: Informal stages: Return-to-work meeting / informal meeting

Wherever possible, the employee should inform the school no later than the day before the anticipated date of return.

The school will conduct return-to-work meetings for all absences, irrespective of length. The meeting should take place on the first day of the employee’s return to work wherever possible. The aim of the meeting is to:

- Ensure the employee is fit to return to work
- Ensure, as appropriate, the employee has taken / is taking all reasonable steps to manage their health and attendance, including accessing medical support as necessary
- Help to identify the cause(s) of the absence and any underlying problems that the employee may be experiencing
- Ensure the employee feels valued and knows that their absence was noticed and that they were missed
- Update the employee on anything that they need to know and, as necessary, assist with re-prioritising their workload following their absence
- Signal to the employee that attendance (and therefore absence) is a high priority for the school
- Ensure that the absence is recorded and the relevant documentation completed
- Make the employee aware if s/he is approaching a trigger point (see section 13), discuss what other support / action might be needed to reduce the employee’s level of absence and advise the employee that unless attendance improves, the school will be left with little choice but to adopt a formal approach (see section 16).

A record of the return-to-work meeting will be made, a copy given to the employee and kept on the employee’s personal file.

The employee should be informed in writing and invited to a meeting to discuss the evidence in more detail before action is taken under the formal stages of this procedure.

In many circumstances, significant evidence will have already have been gathered as part of the return-to-work process, which the school will simply collate and summarise as evidence.
16: Formal stages: Ill health capability review procedure

Once the level of absence has been identified as a concern, and having taken into consideration the points in earlier sections of this procedure, the Headteacher should consider taking action as outlined in this ill health capability review procedure.

The Headteacher should decide whether he/she or another senior colleague should conduct the meetings at each stage. If the Headteacher is the subject of concern it is normally the Chair of Governors who would be responsible for such a case.

The First and Final Health Review Meetings of this procedure are designed to deal with persistent short-term ill-health cases.

When long-term ill-health, in the opinion of the Occupational Health Physician, makes it impossible for the individual employee to discharge efficiently the duties of the post then consideration of early retirement on grounds of ill-health may be considered, where the employee is a member of the pension scheme. If retirement is not considered an option but there is little likelihood of the person returning to work within a reasonable period, it is quite possible to start the procedure at the Ill-Health Capability Hearing stage.

Return to work meetings will continue to be conducted for absences that arise between any formal meetings.

16.1: First Health Review Meeting

If an employee’s sickness absence levels have not improved despite being addressed in their Return to Work Meetings, and the employee has reached any of the trigger points (see section 13), the Headteacher ** will invite the employee to a First Health Review Meeting.

The invitation will be in writing, giving the employee at least 5 working days’ notice and setting out the date and place of the meeting, the reason for the meeting, and stating that they may be accompanied by a trades union/professional association representative or work colleague. As necessary, the school’s HR Caseworker and a note-taker may also be present at the request of the school.

The Headteacher ** will prepare for the meeting by ensuring that they have clearly identified the employee’s sickness absence levels and the support that has been provided.

At the First Health Review Meeting the Headteacher ** will:

- Explain the concern about the absence level and reasons for that concern, such as operational difficulties caused
- Listen to reasons and respond appropriately
- Consider whether to refer the employee to Occupational Health, if not already done
- State that sustained improvement in attendance is expected and set an appropriate monitoring period and targets for improvement, and the next meeting date
- Identify any support required
- If appropriate, give the employee a first written warning and explain that continued failure to improve attendance to the specified level may lead to further action under the school’s sickness absence management procedure, which could lead to his/her employment being put at risk
Following the meeting, the Headteacher ** will write to the employee confirming all the details of this meeting, including a response to any specific points raised by the employee / the representative, any conclusions reached / attendance targets for the monitoring period / points of disagreement and the date of the next (final) review (see 16.2).

If there is a further, significant deterioration in attendance, the Headteacher may bring forward the date of the next meeting, provided that 5 days’ written notice is given.

** or the senior manager leading the case, where it is not being led by the Headteacher.

16.2: Final Health Review Meeting

At the end of the agreed monitoring period, the employee’s attendance will be reviewed at a final health review meeting, at which the employee will have the right to be accompanied by a trades union/professional association representative or work colleague.

At the Final Health Review Meeting the Headteacher ** will advise the employee of one of the following outcomes:

1. ** The required standard of attendance has been met and sustained
   The employee’s attendance will be managed under normal absence management arrangements and the written warning will remain active for six months from the date of the Final Health Review Meeting;

2. ** The required standard of attendance has not been met or significant progress has not been made towards meeting the required attendance level, in which case the Headteacher ** will:
   - Explain the concern about the continued absence level and reasons for that concern, such as operational difficulties caused
   - Listen to reasons and respond appropriately
   - Consider whether any (further) occupational health advice should be sought
   - State that sustained improvement in attendance is expected and set an appropriate monitoring period and targets for improvement, and the next meeting date
   - Identify any support required
   - If appropriate, give the employee a final written warning and explain that continued failure to improve attendance to the specified level will lead to an Ill-Health Capability Hearing (see section 16.3) which could result in dismissal

Following the meeting, the Headteacher ** will write to the employee confirming all the details of this meeting, including a response to any specific points raised by the employee / the representative, any conclusions reached / targets set for the final monitoring period / points of disagreement and the date of review.

** or the senior manager leading the case, where it is not being led by the Headteacher
16.3: Ill health capability review hearing

Where the long-term absence of an employee continues due to the nature of the illness, or, for short-term absence cases, where there has been no, or insufficient, improvement in attendance, or where any improvement has not been sustained, the case will be presented for full review. This may be to the Headteacher, if he/she has not been the decision-maker at earlier stages of the procedure and has the delegated authority to consider dismissal, or to a panel of governors on the school’s Hearings’ Committee.

The meeting will be set at the earliest possible date, but normally by no later than fifteen working days following the decision to move to an ill health capability review hearing. For cases relating to long-term absence, it is anticipated that the school will have maintained appropriate, regular contact with the employee.

The employee will be advised in writing that a possible outcome of the meeting could be that the Headteacher / panel of governors determines that they should be dismissed.

Details of the case and notification of any witnesses to be called will be circulated to all parties at least ten days before the hearing. The employee will be invited to submit documentation and details of all witnesses, as appropriate. This must be provided at least five days before the hearing.

At the hearing, the manager presenting the case will detail the level of absence, and its impact, that has given cause for concern and refer to any documentation that has been circulated prior to the meeting, including any medical reports.

The employee (or representative) will have the opportunity to present evidence explaining why their level of absence is at its current level (a level of formal concern) and what action they have taken / will take to reduce it to an acceptable level.

In deciding what type of action to take, the Headteacher / panel of governors will review:

- The record and pattern of absence
- The support provided to the employee to date
- Whether there is an underlying illness or any other issues raised by the Occupational Health Service
- The likelihood of an improvement in attendance
- The attitude and response of the employee in recognising and addressing the impact of their absence
- The problems caused by the employee’s absence
- Whether all appropriate options, for example, Ill Health Retirement procedures, have been properly explored
- The needs of the school and the best interests of the employee concerned
Possible Outcomes of the Ill Health Capability Review Hearing

The Headteacher / panel of governors, as appropriate, will confirm one of the following outcomes:

1. **The required standard of attendance has been met and sustained**
   The employee’s attendance will be managed under normal absence management arrangements and the final written warning will remain active for twelve months from the date of the Ill Health Capability Review Meeting;

2. **The required standard of attendance has not been met and / or has not been sustained**
   The employee will be dismissed with appropriate notice. If the decision is dismissal, wherever practicable, the employee will be informed immediately and advised of the right of appeal. The decision of the Headteacher/ panel of governors, the reasons for it and the appeal arrangements will be confirmed in writing to the employee normally within five working days.

Where appropriate, for a community or voluntary controlled school (whose staff are employed by the County Council), a copy of the letter will be sent to the Director for Children and Young People within fourteen calendar days. The Director for Children and Young People will then formally confirm dismissal by letter to the employee.

**17: Appeals**

All employees have the right to appeal against any formal actions, i.e. warnings or dismissal, taken against them under the school’s Sickness Absence Management Policy.

**Warnings:** any appeal arising as result of a warning, must be made in writing within fourteen calendar days of the receipt of the decision and include full details of the grounds for appeal and any relevant supporting information. If the warning is given by a line manager, the appeal will be to the Headteacher. If the warning was given by the Headteacher, the appeal is to the Chair of Governors. If the Headteacher is the subject of the formal action, the appeal will be to an appropriated constituted panel of governors.

**Dismissal:** Any appeal arising as a result of a dismissal must be made in writing within fourteen calendar days of the receipt of the decision. The appeal will be to a panel of the Governing Body’s Appeals Committee and must not include any governors who have been previously involved in the case. At any appeal any sanction or penalty imposed will be reviewed, but cannot be increased. The employee has the right to be accompanied by a trades union / professional association representative or work colleague. The Headteacher is likely to present the school’s case at the appeal hearing. If the Headteacher is the subject of formal action, the Chair of Governors will assume this role. Where appropriate the local authority will be represented at appeal hearings by a designated representative member of the Schools’ HR Team.

If the recommendation for dismissal is not upheld, the Appeals Panel may decide to issue a further warning or, in appropriate cases, to demote the employee rather than dismiss. Demotion involves a change in the employee’s contract that requires his/her consent to the new arrangement.

Wherever possible, the employee will be informed immediately at the conclusion of the appeal hearing and in any case, in writing normally within five working days, giving the reason for the decision. There will be no further right of appeal for the employee following the decision of the Appeals’ Panel of the Governing Body. The employee will not be able to re-open matter that have been considered by looking to invoke a different procedure, such as the Grievance Procedure.
18: Medical Redeployment or Retirement

Any employee who is deemed to be permanently unfit for work, will leave the school’s service in a managed and supported way, with any pension benefits to which they are entitled. In managing medical redeployment or retirement, all staff will be treated equally and consistently. Medical redeployment and retirement will not be applied as a punitive or disciplinary measure.

The school will always endeavour to:

- Monitor and support staff on long-term sickness absence.
- Promote and liaise with the Occupational Health Service, keeping staff advised of the process.
- Make reasonable adjustments to existing jobs and workplaces to achieve a return to work wherever possible.
Appendix 1

Procedure for a Hearing

Hearings will be held in as informal a manner as possible and the employee will be afforded every reasonable assistance to put his/her case. The conduct of the hearing is at the discretion of the Headteacher, Chair of the committee or manager hearing the case, but s/he will allow the parties every reasonable opportunity to present their case.

In the case of an appeal the order of presentation set out below would normally be reversed, with the employee as appellant presenting his/her case first. However, by prior agreement or where the appeal constitutes a re-hearing of the full case, the case against the employee may be presented first as at the initial hearing. Chairs of appeal committees or managers hearing appeals should ensure that all parties have a common understanding and agreement on the order of presentation.

1: Introduction

The Headteacher, Chair of the appropriate committee, or manager hearing the case will ensure that those present are introduced to each other and that they are aware of the procedure to be followed.

2: Presentation of the Case

The person presenting the case against the employee may make an opening statement outlining the case. The person or committee hearing the case and the employee responding to it, may ask questions.

S/he will then call any witnesses and ask them to give their evidence. The employee or his/her representative may then ask questions of each witness. The person or committee hearing the case may also ask questions of any witness. The person presenting the case may then re-examine the witness.

Where evidence is presented in the form of documents, the person presenting the case or an appropriate witness will explain the nature and significance of the documents.

3: The Employee’s Case

The employee or his/her representative may make an opening statement. The person or committee hearing the case and the person presenting the case against the employee may ask questions.

S/he may call any further witnesses and invite them to give their evidence. The person presenting the case against the employee may ask questions of each witness after s/he has given his/her evidence. The person or committee hearing the case may then ask questions. The employee or his/her representative may re-examine the witness.

Where there is any documentary evidence, the employee or any witness on his/her behalf will explain its significance.
4: Re-examination

Both parties will be asked if they wish to re-examine any evidence. The person or committee hearing the case may also do so at its discretion.

5: Final Statements

The person presenting the case against the employee may make a final statement. The employee or his/her representative may then also make a final statement.

6: Adjournment

Either party may ask for an adjournment at any stage. The decision to adjourn is at the discretion of the Chair, who will consider a request in the light of the reason given for it.

7: Consideration of the Case

All parties will withdraw. The Headteacher or the committee will deliberate. Where relevant, the Director of Children and Young People’s Services, or their representative, may be present at these deliberations to advise on legal and procedural matters.

If it is necessary to recall either party or any witnesses, to resolve a point of uncertainty, both parties will be invited to be present, whether or not the point of doubt concerns one party or both.

8: Decision

If possible, the decision will be communicated orally to the employee after the hearing. The decision will be confirmed in writing to the parties involved usually within five working days or as soon as possible after the hearing.
# Return to Work

This form should be completed for all absences of 1 day or more.

## Part 1 – Self Certification

### This Section to be completed by the employer:

<table>
<thead>
<tr>
<th>Name</th>
<th>Job title</th>
<th>Employee No.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Department</th>
<th>School</th>
<th>School No.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Reported directly by EE (Y/N)</th>
<th>Reported in line with guidelines of policy? (Y/N)</th>
<th>Date of Return:</th>
</tr>
</thead>
</table>

### This section to be complete by the employee

<table>
<thead>
<tr>
<th>Day/Date/Time of first day of absence</th>
<th>................................................../ ................................................../ ..................................................</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Day/Date/Time of last day of absence</th>
<th>................................................../ ................................................../ ..................................................</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Was GP visited? Y/N</th>
<th>................................................../ ................................................../ ..................................................</th>
</tr>
</thead>
</table>

**Give brief details of the reason for the absence (It is not sufficient to state ‘unwell’ or ‘sick’).**

| ........................................................................................................................................................................ |
| ........................................................................................................................................................................ |
| ........................................................................................................................................................................ |
| ........................................................................................................................................................................ |
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| ........................................................................................................................................................................ |

**If your absence was due to an injury at work, please give details and state whether or not you recorded in the Incident book, and the date it happened.**

| ........................................................................................................................................................................ |
| ........................................................................................................................................................................ |
| ........................................................................................................................................................................ |
| ........................................................................................................................................................................ |
| ........................................................................................................................................................................ |
| ........................................................................................................................................................................ |
| ........................................................................................................................................................................ |
| ........................................................................................................................................................................ |

I confirm I was absent from work for the period stated above, for the reasons given above. I give consent to the school using the information in the form in connection with normal employment purposes, for example, for the monitoring of absence or to obtain medical opinion or to consider rehabilitation measures.

<table>
<thead>
<tr>
<th>Signed (Employee)</th>
<th>Dated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Printed</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Signed (Manager)</th>
<th>Dated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Printed</td>
<td></td>
</tr>
</tbody>
</table>
Part 2 Return to Work Declaration

The purpose of the return to work declaration is to:
- see how the employee is;
- establish the cause of absence;
- where appropriate, discuss what further action is needed; and

<table>
<thead>
<tr>
<th>Questions</th>
<th>Employee’s response</th>
</tr>
</thead>
<tbody>
<tr>
<td>How are you feeling now?</td>
<td></td>
</tr>
<tr>
<td>Are you fully better? If not, what do you need in order to get yourself fully well?</td>
<td></td>
</tr>
<tr>
<td>Did you see your GP? If so, when and what did he say was wrong?</td>
<td></td>
</tr>
<tr>
<td>Are you receiving any treatment?</td>
<td></td>
</tr>
<tr>
<td>How does the condition and/or treatment affect you and your ability, if at all, to carry out normal duties?</td>
<td></td>
</tr>
<tr>
<td>Do you have any follow-up appointments?</td>
<td></td>
</tr>
<tr>
<td>Have you been referred for any investigations or to a specialist?</td>
<td></td>
</tr>
<tr>
<td>Were there any other reasons for the absence?</td>
<td></td>
</tr>
<tr>
<td>Do you or your GP think this is something you may suffer from again?</td>
<td></td>
</tr>
<tr>
<td>Is there anything the school can do to help?</td>
<td></td>
</tr>
<tr>
<td>Do you feel the reason for your absence is connected with work? If so, how?</td>
<td></td>
</tr>
<tr>
<td>Anything else which may be relevant</td>
<td></td>
</tr>
</tbody>
</table>

Signed (Employee)  
Printed  
Dated

Signed (Manager)  
Printed  
Dated

Please tick when done:  
☐ Copy to employee  
☐ Copy for personnel records  
☐ Log absence on spreadsheet
Return-to-work meetings

The following notes provide a few key points and useful prompts for managers undertaking return-to-work (RTW) meetings. They should be read alongside the sickness absence management procedures and reflect the school’s processes for reporting, recording and managing sickness absence. Further guidance is available from your named HR Caseworker or the Duty HR Caseworker on 03456 066 046

Why?

- To welcome the employee back to work
- To confirm the employee is fully recovered and fit for work - fulfil duty of care to employee, colleagues and pupils
- To begin a dialogue regarding any possible underlying problem or difficulty, particularly where early support/intervention by the school or other agencies could make a difference. (This process would be supported by the individual’s own GP/Occupational Health as necessary)
- To create an opportunity for open and honest discussion about causes, influences and possible solutions for regular absences
- For employees where there may be a behavioural (rather than medical) influence on their attendance, to highlight where either the frequency or pattern of absence is a cause for concern - allowing for discussion around the need to improve attendance and ways of achieving it
- Where necessary, to clarify any issues around the reporting procedure for sickness absence
- Where necessary, to allow discussion about how work has been covered during the individual’s absence and work priorities following their return
- Where necessary, to indicate that the employee has reached / will shortly reach a trigger within the school’s sickness absence management policy, which will leave the school little choice but to invoke the formal procedure.

When?

- For every absence, for every employee – an effective part of consistent management practices
- As soon as practicable on the individual’s return from sickness absence.

How?

- Only needs to be a brief meeting in the majority of cases, unless the employee has reached / is close to reaching a trigger within the sickness absence management policy
- Informal, unless the employee has reached / is close to reaching a trigger in which case it will be more formal
- Private environment
- Have to hand all details regarding the most recent absence, as well as information from previous RTW meetings and general absence record
- Open questions with follow up
- Allow the individual sufficient time to answer/expand.
What?

Possible questions as part of return to work meeting might include the following, tailored to the circumstances:

- How are you feeling now?
- Tell me about how ...(reference sickness) ... affected you.
- When did you start to feel unwell?
- How long did that last for?
- Did you see/think about seeing your doctor? What advice did he/she give you? Have you followed this advice? Did it help? Are there any other investigations/referrals your doctor is considering? Are you getting adequate support from your GP? Is there anything else they’ve offered?

Looking back at absence record:

- I know you suffered the same thing last (week/month/term) and X other times this (month/term/year)
- This is the Xth day you have been unwell in the last (month/term/year)...
- ...do you think there is anything (triggering/contributing to) this type/level of absence? Is there anything else worrying you at the moment? Is there any way we could help with this? Is there anything that we could do at work that would help? Have you considered/how would you feel about seeking support from (your GP/trade union representative/professional association/the Employee Assistance Programme/an independent counsellor)?

If the school’s sickness absence management policy includes “trigger points” and one of these has been reached:

As part of the school’s normal procedure for managing absence, as you have now had (X days/pattern of absence), I will need to refer you absence to (name). They will arrange a meeting with you to discuss your absence(s) further and consider any support/action that could help avoid or reduce future absences. Is there anything we haven’t talked about that you would like to cover before I catch up with (name)?

Remember

- Why you are completing a RTW meeting and, above all, that it should be a non-threatening, supportive meeting
- If you don’t understand a medical condition, ask the individual to explain it to you. Focus on how it impacts on the their ability to do the job, now or in the future
- If the employee is clearly uncomfortable discussing a personal issue or condition with you, offer an alternative - a colleague they could talk to in confidence. (Of course, you may need to respect an individual’s request not to share full details of their personal issue or condition with you or a colleague. In these circumstances, the individual should understand that your ability to offer the right support and manage their absence appropriately may be restricted as a result.)
• “A Manager’s primary concern should be with the impact of the medical condition on a worker’s fitness to work rather than with medical details.” Source: IRS Employment Review: January 2005: Attendance and Absence

Every absence, every employee. (A recent report by the National Audit Office attributed highest average absence levels in central government (partly) to poorly communicated and implemented policies).
**Invitation to informal meeting indicating intention to move to formal procedure** (normally for short term absences)

**To go on school’s headed paper**

I am writing in relation to the ongoing concerns about your attendance at work, which have already been raised with you as part of the school’s Sickness Absence Management Procedure including return-to-work meetings following each absence.

Despite those discussions, your level of absence continues to be of concern and I would therefore like to invite you to a meeting to discuss these concerns in more detail on (date), at (time) in (location).

Please contact me (or insert alternative name) to confirm your attendance at the meeting, by no later than (date). [Although there is no automatic right to be accompanied at the meeting, if you would find it helpful to be accompanied by either a work colleague or trade union representative, it is your responsibility to ensure that your representative is notified of the meeting date in good time.]

Do not hesitate to contact me if you have any questions or wish to discuss any aspect of the above. You may also wish to access support via the school’s wellbeing programme, the school’s counsellor or through your professional association (delete/amend as appropriate).

Yours sincerely
Outcome of informal meeting - notification of move to formal procedure and invite to First Health Review Meeting (normally for short term absences)

To go on school’s headed paper

I am writing in relation to concerns about your attendance at work, which we discussed on (date), at (time) in (location), as part of the school’s Sickness Absence Management Procedure.

Either You were accompanied at the meeting by (insert name and job title) OR You chose not to be accompanied at the meeting.

I regret to inform you that despite the support and advice you have been given to improve your attendance to date, your absence continues to be of concern and action will now be taken under the formal stage of the school’s Sickness Absence Management Procedure, [a copy of which you have already received OR a copy of which is enclosed].

Give details of:

1. The discussion about the employee’s level of absence from work;
2. The advice and guidance given on the improved level of attendance needed;
3. The explanation the employee gave in response to the concerns about their absence;
4. The timetable for improvement (the formal review period);
5. The continuing impact of the absence on the school, its staff and its pupils (amend as appropriate)
6. Any additional support measures and other actions which will be put in place;
7. The explanation that unless there is a significant and sustained improvement in attendance, further action will be taken
8. Any advice from occupational health, if a referral has been made

We (or give name of manager leading the process) will meet again for a First Health Review Meeting on (date), at (time) in (location) where we will discuss your progress in detail.

You have the right to be accompanied at that meeting by either a work colleague or trade union representative and it is your responsibility to ensure that your representative is notified of the meeting date in good time.

Please contact me (or insert alternative name) to confirm your attendance at the meeting, by no later than (date).

Do not hesitate to contact me if you have any questions or wish to discuss any aspect of the above. You may also wish to access support via the school’s wellbeing programme, the school’s counsellor or through your professional association (delete/amend as appropriate).

I would be grateful if you would sign and return to me the enclosed copy of this letter, indicating that you have understood its contents.

Yours sincerely
Outcome of First Health Review Meeting (normally for short term absences)

To go on school’s headed paper

I am writing in relation to concerns about your attendance at work, which we discussed on (date), at (time) in (location), as part of the school’s Sickness Absence Management Policy.

Either You were accompanied at the meeting by (insert name and job title) OR You chose not to be accompanied at the meeting.

Give details of the issues discussed, including

1. The current level of the employee’s absence from work;
2. The impact of the absence on the school, its staff and its pupils (amend as appropriate)
3. The level of attendance required;
4. The timetable for improvement;
5. The additional support measures and other actions which will be put in place;
6. Any advice from occupational health if a referral has been made;

As I explained at the meeting, this letter constitutes a first written warning.

You have the right to appeal the decision to issue you with a first written warning. If you wish to exercise this right, you will need to provide notification for the grounds of your appeal, in writing, to me within fourteen calendar days from the date of this letter.

If there is no (significant and) sustained improvement in your attendance, action under the next formal stage of the school’s Sickness Absence Management Procedure will be considered, which could include issuing a final written warning.

We will meet on (date) at (time) in (location) to review overall progress made against the outcomes set out above and to consider if any further action is appropriate. However, if there is a further, significant deterioration in your attendance, the meeting may be brought forward, subject to giving you five days’ notice of the revised date. You have the right to be accompanied at that meeting by either a work colleague or trade union representative and it is your responsibility to ensure that your representative is notified of the meeting date in good time.

Please do not hesitate to contact me if you have any questions or wish to discuss any aspect of the above further. (As appropriate) As we discussed, you may wish to access further support available via the school’s wellbeing programme, the school’s counsellor or through your professional association (delete/amend as appropriate).

I would be grateful if you would sign and return to me the enclosed copy of this letter, indicating that you have understood its contents.

Yours sincerely
Outcome of Final Health Review Meeting (normally for short term absences)

To go on school’s headed paper

I am writing in relation to concerns about your attendance at work, which we discussed on (date), at (time) in (location), as part of the school’s Sickness Absence Management Policy.

Either You were accompanied at the meeting by (insert name and job title) OR You chose not to be accompanied at the meeting.

Give details of the issues discussed, including

1. The current level of the employee’s absence from work;
2. The level of attendance required as set out at the First Health Review Meeting and progress towards it;
3. The continuing impact of the absence on the school, its staff and its pupils (amend as appropriate)
4. The additional support measures and other actions that have been put in place;
5. Any advice from occupational health if a referral has been made.

EITHER

I am pleased that you have improved your level of attendance. It is important that you now sustain that improvement. Should you fail to do so, further action under the school’s Sickness Absence Management Procedure will be considered. In any case, the first written warning will remain active for six months from the date of this letter.

OR

I regret to inform you that your level of attendance continues to be of concern and consequently, this letter constitutes a final written warning.

You have the right to appeal the decision to issue you with a final written warning. If you wish to exercise this right, you will need to provide notification for the grounds of your appeal, in writing, to me within fourteen calendar days from the date of this letter. In any case, the final written warning will remain active for twelve months from the date of this letter.

If there is no (significant and) sustained improvement in your attendance, action under the next formal stage of the school’s Sickness Absence Management Procedure will be considered, which could result in dismissal.

In accordance with the procedure, an Ill Health Capability Review Hearing will now be arranged.

Please do not hesitate to contact me if you have any questions or wish to discuss any aspect of the above further. (As appropriate) As we discussed, you may wish to access further support available via the school’s wellbeing programme, the school’s counsellor or through your professional association (delete/amend as appropriate).
I would be grateful if you would sign and return to me the enclosed copy of this letter, indicating that you have understood its contents.

Yours sincerely
Invitation to formal ill health capability review hearing

To go on school’s headed paper

For short term absence

I am writing in relation to the ongoing concerns about your attendance at work, which have already been raised with you as part of the school’s Sickness Absence Management Procedure.

Despite the support you have been given to improve, your level of attendance continues to be of significant concern. Therefore, I am inviting you to a meeting with the [Headteacher] [school’s Hearings Committee] on (date), at (time) in (location). I must advise you that the outcome of this hearing may be that the [Headteacher determines] [Governors determine] that you (shall be dismissed from your post) (shall cease to work) at the school.

The purpose of the meeting is to:

1. Discuss your record and pattern of absence;
2. Review the level of support offered to you to date, including the advice of occupational health;
3. Provide an opportunity for you to respond to the concerns about your absence;
4. Consider the likelihood of improvement in attendance;
5. Consider the impact of your absence on the school, the needs of the school and your best interests.

For long term absence

I am writing in relation to your ongoing absence from work due to ill health.

Add brief but specific details about the nature of the absence.

I am inviting you to a meeting with the [Headteacher] [school’s Hearings Committee] on (date), at (time) in (location). I must advise you that the outcome of this hearing may be that the [Headteacher determines] [Governors determine] that you (shall be dismissed from your post) (shall cease to work) at the school.

The purpose of the meeting is to:

1. Discuss your record and pattern of absence;
2. Review the level of support offered to you to date, including the advice of occupational health;
3. Provide an opportunity for you to respond to the concerns about your absence;
4. Consider the likelihood of improvement in attendance;
5. Consider the impact of your absence on the school, the needs of the school and your best interests.

For both short term and long term absences

The following documents will be considered at the hearing:
The procedure to be followed at the hearing is set out in Appendix 1 of the school’s Sickness Absence Management Procedure [a copy of which you have already received] [a copy of which is enclosed].

You will have the opportunity to present your case and to be accompanied by a work colleague or trade union representative. [OPTIONAL] I understand that you will be accompanied by [ ] is your responsibility to ensure that they are notified of the meeting date in good time.

I must ask that you submit any additional papers you wish to be considered by the Hearings Committee [or] me to the school, for receipt by 9.00 am on [date] .

[OPTIONAL] The Hearings Committee members that form the Hearings Panel are [names] . [ ] will be present as HR advisor to the panel [or] me. [ ] will be present to take minutes. [ ] [ADD NAME] or I will present the school’s case.

Of course, if you have any questions regarding the hearing, please do not hesitate to contact me.

Yours sincerely

(insert name)
(insert job title)

Copies to:  As appropriate:
Members of the Hearings Panel/Appeal Committee (Names)
(Name – HR Advisor)
(Name - Presenting Officer)
(Name - Trade union rep - if known)
Working Copy
File
Outcome of formal ill health capability review hearing

To go on school’s headed paper

I am writing in relation to concerns about your attendance at work, which [I considered] [were considered by the Hearings Panel] on (date), at (time) in (location), as part of the school’s Sickness Absence Management Policy.

Either You were accompanied at the meeting by (insert name and job title) OR You chose not to be accompanied at the meeting.

[I] [The Hearings Panel] carefully considered the evidence and arguments presented by all parties. In particular, we noted:

- (Summary of points relevant to final decision)

For short term absence

EITHER
After considering all of the available evidence, [I] [the Hearings Panel] concluded that there has not been a sufficient and/or sustained improvement in your attendance, despite the additional support given to you, and therefore, [I have] [the panel has] decided that you (should cease to work) (should be dismissed from your post on the grounds of capability due to ill health) at the school with notice.

OR
After considering all of the available evidence, the Hearings Panel concluded that there has been a sufficient and/or sustained improvement in your attendance as a result of the additional support given to you, and therefore, the panel has decided that no further action is required at this stage. The final written warning will remain active for twelve months from the date of the ill health capability review hearing.

For long term absence After considering all of the available evidence, [I] [the Hearings Panel] concluded that it has been demonstrated to [my] [their] satisfaction that there is little prospect of your returning to work within a reasonable period of time. Therefore, it is necessary to dismiss you from your role on grounds of capability. (As necessary) You will be dismissed with notice, your notice period starting on (date) and your final day of service with the school will be recorded as (date).

For LA maintained schools, where the LA is the employer include the following By copy of this letter, I am instructing the county council to effect your dismissal, with notice.

For all letters You have the right to appeal the decision to dismiss you from your role. If you wish to exercise this right, you will need to provide notification for the grounds of your appeal, in writing, to me within fourteen calendar days from the date of this letter.

Of course, if you have any questions regarding the above, please do not hesitate to contact me.

Yours sincerely
Summary

Supporting letters and documents

<table>
<thead>
<tr>
<th>Policy</th>
<th>SAM Model Procedure</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Part A: summary of process and supporting letters</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Informal stages: RTW meetings / informal meeting to consider formal procedure (SAMP Section 15)</strong></td>
<td></td>
</tr>
<tr>
<td>• Return to work (RTW) meeting carried out for everybody and every absence</td>
<td>SAM A – self certification and return to work meeting pro forma</td>
</tr>
<tr>
<td>• Where absence is becoming a concern, review RTW data and check ‘trigger points’ (SAMP Section 13)</td>
<td>SAM B – guidance for managers on conducting a return to work meetings</td>
</tr>
<tr>
<td>• Invite employee to meeting to review absence data</td>
<td>SAM C – invitation to informal meeting indicating intention to move to formal procedure (normally used for short term absences)</td>
</tr>
<tr>
<td>• At the meeting discuss attendance, review support and advice given to date and confirm in writing :</td>
<td>SAM D – Outcome of informal meeting - notification of move to formal procedure and invite to First Health Review Meeting (normally for short term absences)</td>
</tr>
<tr>
<td>o No further action as attendance improved, but indicate expectation that improvement will be sustained, or</td>
<td></td>
</tr>
<tr>
<td>o Further support as part of normal sickness absence management procedures, or</td>
<td></td>
</tr>
<tr>
<td>o Formal action to be taken</td>
<td></td>
</tr>
<tr>
<td>• No right to be accompanied during informal stages as part of normal management, but may be helpful</td>
<td></td>
</tr>
</tbody>
</table>

| Formal Stage 1: First Health Review Meeting (SAMP Section 16.1): | |
| • About supporting the employee to meet and sustain the required attendance level : | SAM E – outcome first health review meeting including, if appropriate, a first written warning; details of attendance improvement required over agreed monitoring period; details of support offered and date of next (final) health review meeting |
| o Normally at least 5 days' notice of meeting | |
| o Invitation in writing, detailing right to representation | |
| o Confirms Formal Stage 1 could result in a first written warning | |
| o Seeks agreement on expected levels of attendance, reasons the employee is not meeting expected attendance level, when review meetings will be held and any reasonable adjustments to be made under the Equality Act 2010 | |
| o Confirm outcome include, where appropriate, first written warning and right of appeal within fourteen calendar days | |
- If there is a further, significant deterioration in attendance, the Headteacher (or manager leading the process) may bring forward the date of the next meeting, provided that five days' written notice is given.

**Formal Stage 2: Final Health Review Meeting (SAMP 16.2):**

- Review employee’s attendance over the monitoring period
- Right to representation
- Possible outcomes:
  - The required standard of attendance has been met and sustained ► return to normal SAM arrangements (first written warning remains active for six months from the date of the Final Health Review Meeting)
  - The required standard of attendance has not been met or significant progress has not been made towards meeting the standard ► review progress and support provided to date, consider any additional support needed and, if appropriate, issue a final written warning
  - Confirm outcome including, where appropriate, final written warning and right of appeal within fourteen calendar days of receipt of the decision

- If there is a further, significant deterioration in attendance, the Headteacher (or manager leading the process) may bring forward the date of the next meeting, provided that five days’ written notice is given.

**Formal Stage 3: Ill Health Capability Review Hearing (SAMP 16.3)**

For short term absence where there has been no improvement, or where any improvement has been either insufficient or not sustained, the case will be presented for full review. Long term absence cases will, in the majority of cases, not proceed through a series of warnings, but instead be presented for full review.

This may be to the Head, where he/she has not been the decision maker in previous stages of the procedure and has the delegated authority to consider dismissal, or to a panel of governors on the school’s Hearings Committee

- Normally no later than fifteen working days following decision to move to an ill health capability review hearing and giving at least five days’ notice of meeting
- Invitation in writing, detailing right to representation and making clear that a possible outcome of the hearing could be that the Head / Panel determines that the employee should be dismissed.
- Meeting follows “Procedure for a hearing”, Appendix 1 within the SAM Procedure
Possible outcomes:

- The required standard of attendance has been met ► return to normal SAM arrangements (final written warning remains active for twelve months from the date of the Ill Health Capability Review Hearing)
- The required standard of attendance has not been met and sustained ► the employee will be dismissed with notice

Right of appeal, within fourteen calendar days of receipt of the decision

**Appeal against dismissal**: to a panel of governors of the Appeals Committee

Footnotes: In the main, and for ease of use, the template letters assume sequential progress through each stage of the SAMP is required. The First and Final Health Review Meetings are designed to deal with short term absence. Where there is a further, significant deterioration in attendance, the Headteacher may bring forward the date of the next meeting, provided five days’ notice is given. For long term absence, where a series of attendance targets and warnings may not be appropriate, it is possible to move straight to Section 16.3 Ill Health Capability Review Hearing.

All templates can be adapted can be adapted with the support of the Schools’ HR Team as necessary. If there is evidence within six months (for a first written warning) or within twelve months (for a final written warning) of the procedure ceasing that the employee has not sustained the standard of attendance required, the procedure may be resumed at any stage up to and including that stage previously reached.
Appendix 11

Making a referral to HML

1: Early referrals are vital for supporting an employee to remain at work or return to work in a reasonable period

HML’s strong advice is that employees absent due to stress, depression, anxiety or musculoskeletal issues should be referred on day one. In addition to a prompt referral, if an individual is off with stress ask them to complete a stress toolkit to take with them to the referral. Link to Stress Toolkit: [HST22 Stress and Wellbeing Toolkit2012.doc](HST22 Stress and Wellbeing Toolkit2012.doc)

If a referral is delayed due to exceptional circumstances such as admittance to hospital or to allow the employee to come to terms with a recent diagnosis the decision should be regularly reviewed and a referral made at the earliest opportunity (further advice is available from the HML’s managers’ helpline on 0845 504 1063 or the Duty HR Caseworker on 03456 066 046 (Option 3).

Familiarise yourself with HML’s SLAs and processes to ensure the timing of the appointment is right and will meet with any timescales you have (for example, if an employee is due to return to work and you require HML advice within a specific timeframe you should ensure you refer early enough to gain the advice)

2: You can refer an employee when they are at work or when they are absent from work
(This list is not exhaustive)

<table>
<thead>
<tr>
<th>Employee is at work</th>
<th>Employee is absent from work</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee’s performance and/or wellbeing is of concern</td>
<td>HML may be able to advise on fitness to carry out the role and may provide advice on support that can be offered to support the employee</td>
</tr>
<tr>
<td>Employee is signed fit for work by their GP with adjustments</td>
<td>Further advice can be sought from HML on the employee’s health, ability to perform their role and supporting the recommended adjustments</td>
</tr>
<tr>
<td>Employee is at work and inform you that they are feeling stressed, depressed, anxious or have musculoskeletal issues</td>
<td>HML will be able to advise on fitness for work and any adjustments that can be made to support the employee to remain at work</td>
</tr>
<tr>
<td>Employee may call you to report an absence and inform you that they are feeling stressed, depressed, anxious or have musculoskeletal issues</td>
<td>Employee may be signed unfit for work by their GP for a long-term period of absence</td>
</tr>
<tr>
<td>Further advice can be sought from HML on the employee’s health, ability to perform their role and supporting the recommended adjustments</td>
<td>HML will be able to advise on fitness for work and any adjustments that can be made to support the employee to return to work in a reasonable period</td>
</tr>
<tr>
<td>An early referral will assist HML to provide early advice on supporting the employee to return to work within a reasonable period</td>
<td></td>
</tr>
</tbody>
</table>
An employee may have several instances of short term absence and/or be hitting the absence trigger points. HML may be able to advise on any underlying health issues, fitness for work and any support that can be offered to assist the employee.

An employee may have recently been diagnosed with a health condition. HML may be able to advise the manager on fitness to work and support to assist the employee to remain at work or return to work within a reasonable period.

3: Include as much relevant information as possible to assist HML to provide you with a thorough report

(This information can be included in the ‘background information’ or the ‘reason for referral’ free text boxes on the referral form or be attached at the end of the referral)

- Include factual details about the situation, state how this is impacting on attendance and the work/performance of the employee
- Inform HML the nature of the illness/absence, and state whether they are being prescribed any medication and whether this has any adverse effects on carrying out the role. Ask HML to clarify if there are any significant effects that will need to be taken into account when planning return to work.
- Where it is possible that a teacher has suffered an industrial injury then the person making referral should provide HML with any relevant information about the circumstances leading up to the absence and ask the question “is the absence caused by an accident, injury or assault arising out of and in the course of the teacher’s employment?”. Such absences have to be confirmed by the medical practitioner as meeting this definition, before there is any change to the employee’s sick pay allowance.
- If adjustments have already been offered or made provide details of these
- Indicate whether the employee has previously been referred to OH and if the case has been discussed with Schools HR
- If so, has previous HML advice been actioned /considered? If not state why?
- Is the absence being formally or informally managed?
- Are there any pending or recent grievances, capability or disciplinary action? Please note don’t include details of anything about which the employee is unaware.
- Please give specific details of hours worked and shift patterns, in order to indicate when the individual would/would not be able to speak with an OH Advisor or attend a face-to-face appointment
- If there are specific additional questions include them in the referral, not several weeks later
- Provide timely updates, for example when other relevant information becomes available
- Remember that the employee could ask to see the referral; ensure that you have made the employee fully aware of the reasons for referral and provided them with the employee’s guide to a medical referral (see link below)
- Attach a Job Person Profile
- Tick ALL relevant sections of the checklist on the referral form

4: Track the progress of your referral online and via email notifications

- You are responsible for notifying the employee of the appointment
- You should check that the employee can attend/ is planning to attend and notify OH of any cancellation or rearrangement
- Cancellation charges are made for late cancellations within 48 hours and DNAs
- Check any delays with HML
5: Follow up with HML if the advice is unclear or if further clarification is needed

- If you have asked specific questions that have not been answered then discuss them with HR
- If you feel that the report is not helpful then discuss it with HML
- Call 0845 504 1063 or send an email to team.s3@healthmanltd.com to request to speak to the physician or to request that your comments are passed to them

6: Review the contents of the report with the employee and act upon any advice given (as reasonable)
Remember that the employee is likely to know what will be in the report as part of the referral process. Often reports are dictated whilst the employee is at the appointment.

- Discuss the recommendations and explore each one, seeking the employee’s views on any recommendations made
- If any recommendations cannot be supported (if they are not reasonable) Set out any reasons why and refer back to HML for the advice to be reviewed where necessary
- Understand your duty to make reasonable adjustments under the Equality Act 2010, speak to Schools’ HR if you are unsure.
- Complete a risk assessment to document any adjustments that have been agreed

7: Managers are responsible for managing absence and performance

- A medical report provides information on a person’s medical fitness, managers are responsible for making decisions about their staff in line with policy with advice and support from HML and Schools HR

8: You may need to re-refer an employee if there continues to be health concerns

- This can be done by selecting the re-refer button when logged into the HML portal
- If the referral is for the same or a similar reason as before, state what has changed since the original referral. Have the recommendations made in the previous reports been implemented?

9: Seek advice and support from Schools HR

- Seek early support and advice from Schools HR when an employee is signed off from work long term or if there are performance and health related concerns
- Your school’s named HR Caseworker can support you with an on-going case
- One off advice can be provided via the Schools’ HR duty line (for example, one off advice on the contents of a report) on 03456 066 046 (option 3) or by email at hrcasework@schoolschoice.org

10: Use the additional help and resources that are available to you

- Contact HML’s managers’ helpline on 0845 504 1063 and request to speak directly to an Occupational Physician about any employee health concerns that you have (they will also be able to advise and support you to make a referral)
- Signpost employees to your school’s wellbeing service, offering free and confidential advice to support on a range of issues.
- Read all guidance alongside your school’s own Sickness Absence Management Policy and procedures and speak to your named HR caseworker if you are unsure
Appendix 12

Communication during absence

The following notes provide a few key points and useful prompts for communication with employees during sickness absence. They should be read alongside the fuller guidance available in the Sickness Absence Management Procedure. Discussions should always reflect individual schools’ policies on managing absence or the reporting of sickness absence. Further guidance is available from your named HR Caseworker, the Duty HR Caseworker on 03456 066 046 or on Ask Schools’ Choice [http://schoolschoice.org/](http://schoolschoice.org/)

Reasonable expectations:

- Employees will contact you, wherever possible, in person, in accordance with the school’s sickness reporting procedures. This should be at the start of the absence and throughout.
- This contact should include an indication of:
  - Why they are absent/the condition/nature of their illness
  - How long they are likely to be away for (and any medical certification details)
  - When they will contact you again if the absence continues beyond this
  - If fit enough to discuss, any activities that need to be picked up in their absence/work set or lesson plans
- Managers may consider contacting an employee during their sickness absence if they feel any of the above has not been properly discussed. The type and tone of any contact should reflect the nature of the medical condition, but may include writing to the employee if necessary.
- For longer term absences, contact should include some discussion around:
  - The likely prognosis for the employee’s condition/illness (and any medical certification details)
  - Any further investigations/medical intervention underway/anticipated
  - What support they are receiving
  - Anything the school could do to help during their absence
  - An agreed means and regularity of contact
  - How much (if at all) the individual would like to updated on work issues during their absence. (For example, would they like the school newsletters sent to them?)
- Employees should co-operate with attempts to manage and support sickness absence.

**Good communication during long-term sickness absence is key to employees’ successful re-integration to work.** Occupational health advisors comment that employees frequently express concerns about (perceived or actual) lack of communication during their long-term sickness absence. This can result in anxiety about returning to work and/or a feeling of isolation or loss of worth.
Appendix 13

Sickness absence reporting

First Working Day
- The employee must personally notify the Headteacher (home or mobile number) of his/her absence due to ill health as early as possible in the circumstances, and no later than 7.00am.
- The reason for the absence and an indication of its likely duration should also be given. Unless otherwise agreed, the employee should contact the school on each subsequent day of absence.
- The employee should indicate the reason for, and likely duration of, absence. The employee should state if the absence is work related, e.g. accident or injury at work. The Nominated Person should record this information.
- If the employee cannot speak to the Nominated Person by 7.00 am every effort should be made to contact him/her later.
- If the length of absence is unknown, the employee should contact the school by 3pm on the same day to advise whether s/he will be back the next day.
- It is the responsibility of an absent employee to keep the school informed of the estimated length of absence, although staff at the school will make every effort to keep in contact.

After Three Days
- If the absence continues beyond three days, the employee should contact the Nominated Person to provide an indication of the likely return date.
- For all absences (including weekends), an employee must complete a Self-Certification form upon return.

After Seven Days (including weekends)
- A doctor’s certificate/statement should be sent to the school office.

Long-Term Absence
- During a long-term absence, an employee has a responsibility to keep the school informed of progress through the Nominated Person.
- The school will maintain contact and visit the employee by agreement if necessary. An employee will not be subjected to pressure or harassment while absent.