



Academies Trust

Supporting Attendance Policy

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Part A: Supporting Attendance Policy

1. Introduction

- 1.1. At Co-op Academies Trust we recognise the benefits of a healthy workforce and value the contribution that colleagues make through their regular attendance in ensuring the effective running of our academies and delivering the best possible outcomes for our children and young people. We expect all colleagues to be committed to achieving the highest possible levels of attendance.
- 1.2. We're committed to promoting the health, safety and wellbeing of all colleagues and will support and assist individuals who may have health difficulties in their recovery and their return to work. Sickness absence will be dealt with in a sensitive, fair, consistent, and confidential manner, with decisions made based on the information available at the time and in line with all relevant trust policies and employment legislation.
- 1.3. Where there are concerns about a colleague's attendance, this policy ensures that they are advised of these concerns, and have the opportunity to discuss the situation and present relevant information before any decisions are made.
- 1.4. If there are any language, disability or other issues relating to a protected characteristic affecting a colleague or their representative, these will be reasonably addressed so that any formal proceedings can take place fairly.

2. Applicability

- 2.1. This policy applies to all employees of our Trust, whether permanent or on a temporary / fixed term contract. It does not apply to agency workers, casual workers, contractors or volunteers. For colleagues in an Induction Period, see section 5 below.
- 2.2. This policy applies to absence due to personal sickness or injury. It does not apply to out-patient appointments or to absences connected to the illness of relatives, which are dealt with under our Trust's Special Leave Policy.

3. Terminology

- 3.1. In this Policy:

- "Headteacher" also includes "Head of School", where this arrangement is in place
- "Manager" refers to those with managerial responsibility for operational aspects of applying this policy

4. Timescales

- 4.1. Colleagues will be given at least 5 working days' notice of all formal meetings under this policy. Where possible, meetings will be held at a mutually agreed time, date and venue. All parties must ensure that there are no unreasonable delays to the process. Where an individual wishes to be accompanied at the meeting and their companion is unable to attend the original date, the individual may request a rearrangement within five working days of the original date. This request will not unreasonably be refused.
- 4.2. The timescales within this policy may, in exceptional circumstances, be amended by mutual consent.

5. Sickness absence during the Induction and Probationary Period

- 5.1. Where a colleague is still within their Induction and Probationary period, the following approach should be taken:
 - all sickness absence must be reported and recorded in line with usual procedures;
 - a return to work meeting should take place after every period of absence;
 - colleagues should be supported to remain in work wherever possible, including the consideration of reasonable adjustments where appropriate;
 - attendance should be discussed and documented at Induction and Probationary Review meetings.
- 5.2. Poor attendance during the Induction and Probationary Period will be managed through the Induction and Probationary Procedure (not via the formal stages of this policy) and may constitute a failure to perform to the required standards, prompting the final Induction and Probationary Review to be brought forward. This will be looked at on a case by case basis with any issues related to disabilities being identified and treated in line with this procedure (paragraph 24.3).

6. Roles and responsibilities

Trust Board

- 6.1. The Trust Board is responsible for ensuring fair, consistent and objective procedures for matters relating to staff sickness absence are in place across the Trust.

Chief Executive Officer (CEO)

- 6.2. The CEO is responsible for overseeing the monitoring of levels of sickness absence across the Trust and for ensuring that this policy is applied fairly and consistently.

Heads of Service and Headteachers

- 6.3. Heads of Service or Central SLT Members (central team) and Headteachers (academies) have primary responsibility for the health and well-being of staff, and for the application of this policy within their area of the central team or their academy. They may choose to delegate some of these responsibilities to managers, and should ensure that appropriate coaching / training is provided to managers to enable them to carry out these delegated responsibilities competently. They are responsible for:

- ensuring that sickness absence is recorded accurately and promptly in HR and payroll systems, and that absence levels are closely monitored;
- ensuring that return to work (RTW) meetings take place, and RTW/self-certification forms are completed and placed on HR files;
- encouraging and supporting colleagues to maintain good attendance levels through good management practice;
- managing sickness absence promptly, fairly and consistently, and in accordance with this policy.

All Colleagues

- 6.4. All colleagues are responsible for ensuring that they comply with this policy, including:
- reporting absence in a timely manner in accordance with the central team or academy's procedures;
 - alerting their manager/Headteacher to:
 - any work related issues that may be contributing to their ill-health and/or absence;

- considering sharing that they may be affected by a disability or any medical condition where this affects their ability to undertake their work
 - any medical conditions which might put themselves, pupils/students, or other members of staff at risk;
 - any work-related accident, incident or injury (in line with local reporting procedures).
- attending absence review meetings, and Occupational Health appointments, and engaging in any recommendations;
 - undertaking actions agreed as part of a support plan;
 - gaining agreement from their manager/Headteacher before undertaking any form of secondary employment whilst off sick.

Human Resources

- 6.5. Human Resources (collectively, both academy-based and Regional HR Managers (RHRMs)/HR Advisers based within the central team) are responsible for supporting Headteachers and managers by advising on and assisting with:
- good practice relating to absence management, health and well-being;
 - management of individual short and long term sickness absence cases;
 - making Occupational Health referrals;
 - provision of sickness absence data;
 - processes for formal meetings and hearings.

Trade Unions

- 6.6. Colleagues have the right to be accompanied by a trade union representative or work colleague at all formal meetings/hearings under this policy. Whilst there is no right to be accompanied to informal meetings, reasonable notice will be given where possible and this will not be unreasonably refused, where appropriate, to provide support, as long as this does not unreasonably delay meetings taking place.

7. Equal Opportunities

- 7.1. Our Trust will monitor the implementation and impact of this policy to ensure that every colleague is treated fairly and with respect, and that this policy is implemented in line with the Equality Act.
- 7.2. If there are any language, disability or other issues relating to a protected characteristic affecting you or your representative, these will

be reasonably addressed and agreed with the colleague, so that any formal proceedings can take place fairly.

Disability

- 7.3. It is acknowledged that disability is by no means generally synonymous with sickness or absence from work, however, guidance recognises that some people with a disability will have conditions, which may be relevant in terms of sickness absence management.
- 7.4. Legislation defines a person with a disability as a person with a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on their ability to do normal daily activities.
- 7.5. Employers have a duty to make 'reasonable adjustments' where any aspect of working arrangements (including premises) places a person with a disability at a substantial disadvantage. Where appropriate, reasonable adjustments will be made to enable colleagues with disabilities to maintain good attendance levels and to comply with the requirements of the Equality Act. This may include appropriate flexibility in the application of this policy and advice on this area should be sought from the RHRM.

Pregnancy and Maternity

- 7.6. Where an illness is attributable to pregnancy, sickness absence should not be counted towards the absence triggers in terms of escalating through formal stages of this policy. However, such absence should still be managed, to facilitate a return to work as soon as possible with any necessary OH advice, support, or reasonable adjustment to duties or other working arrangements. Therefore, return to work meetings must still be held, and attendance management meetings and home visits (if applicable) for longer term absences may take place.
- 7.7. If a colleague is absent from work due to a pregnancy related health condition after the beginning of the 4th week before the expected week of childbirth, maternity leave will start automatically.
- 7.8. For further guidance on pregnancy-related absence, please see section 9 of our Maternity Policy.

Trans Equality

- 7.9. Where treatment / surgery associated with a colleague's transition leads to absence from work, this will be remunerated under the sick

pay policy. However, reasonable time off work will be excluded from absence triggers. For further guidance see our Trans Equality Policy.

8. Confidentiality

8.1. Information about sickness absence must be handled carefully and in accordance with the Data Protection Act and the UK GDPR. All sensitive information will normally be delivered by secure electronic transfer (encrypted email, direct access via Google, or access via SamPeople HR system); there may also be occasions when it is hand delivered or posted by recorded delivery. In this latter case, tracking evidence should be retained to confirm direct receipt from intended recipients.

9. Reporting sickness absence

9.1. Arrangements for reporting sickness absence are determined at academy level, but must adhere to this policy and be made clear to colleagues. Absence must be reported by telephone wherever reasonable, and the individual must seek to speak to an individual, usually a senior member of staff, rather than leaving a message. Central team colleagues are required to report their absence by phone to their line manager by no later than 8.30am. Further details of central team requirements are available in the [Colleague Handbook](#).

9.2. If the colleague is unable to report for duty, they must notify their manager/academy as soon as possible, and usually no later than the time they would normally start work, giving:

- the nature of their illness or injury
- the expected length of their absence from work, if known
- contact details for them to be called back
- details of whether the absence is a result of an accident, injury or assault at work
- details of any outstanding or urgent work / diary commitments that require attention or covering, where possible (however, there is no obligation on teachers to set cover work).

9.3. In exceptional circumstances, If the colleague is unable to report sickness absence themselves, they must ensure that someone else notifies the school on their behalf.

9.4. Managers should ensure that:

- any sickness absence that is notified to them is recorded and reported to HR
 - arrangements are made, where necessary, to cover work and to inform colleagues (while maintaining confidentiality).
- 9.5. If no contact has been made within one working day of the start of an absence and the school has been unable to contact the colleague directly, we may contact their next of kin. This action may be taken sooner if there are genuine concerns regarding a colleague's safety.
- 9.6. If someone is taken ill or is injured while at work, they should report this to their manager, wherever possible. They will be recorded as being absent from the time that they leave work. For monitoring purposes this part day will not contribute towards the 'occasions' absence triggers or sick-pay entitlement, but may form part of an unacceptable pattern which in itself is an absence trigger.

10. Evidence of incapacity to work

- 10.1. A Return to Work (RTW) Form must be completed for all absences, regardless of length (even for periods that are covered by a GP's statement of fitness – see below). The only exception is when a colleague is returning from a long term absence which has been managed and is fully documented under the formal stages of this policy.
- 10.2. The RTW Form also serves as a self-certification form for sickness absence of between 4 and 7 calendar days and should be retained on the colleague's HR file. The colleague should be provided with a copy of the completed form and have the opportunity to comment on this.
- 10.3. For absences lasting 8 calendar days or more, the colleague must obtain a certificate from an eligible health care professional (a 'Statement of Fitness for Work') stating that they are not fit for work and the reason(s) why. (see Annex 2). It should be received by the relevant manager no later than the eighth day of absence, wherever possible. Fit notes will only be accepted for sick pay purposes from the date certified by the doctor. If the absence continues, further medical certificates must be provided to cover the whole period of absence, and should normally be received by the academy/manager within 3 working days of the expiry of the previous note to ensure that the payment of occupational sick pay is not affected.

- 10.4. A copy of the Statement of Fitness for Work should be retained on the colleague's HR file, and the original returned to the colleague (where issued in hard copy).
- 10.5. If the health care professional provides a certificate stating that the individual '*may* be fit for work' they should inform their manager immediately. The manager must discuss with them any additional measures that may be needed to facilitate their return to work, taking account of the healthcare professional's advice. This may take place at a return to work meeting. If appropriate measures cannot be taken, they will usually remain on sick leave and a date will be set to review the situation which should be in as timely a fashion as possible. The situation must be regularly reviewed.
- 10.6. Where we have reason to be concerned about a colleague's absence, or following frequent short-term absence, we may require a medical certificate for each future absence regardless of duration. In such circumstances, we will cover any costs incurred in obtaining such medical certificates, for absences of a week or less, on production of a doctor's invoice.
- 10.7. If a colleague has two or more contracts of employment, they may be fit to undertake neither, one or both/all of their roles, depending on the type of role within the central team/academy, and the nature of the illness or injury. Advice should be sought from HR where needed.

11. Keeping in contact during sickness absence

- 11.1. When colleagues are absent on sick leave they should expect to be contacted from time to time by their manager in order to discuss their wellbeing, expected length of continued absence from work and any work that requires attention. Such contact is intended to provide reassurance and will be kept to a reasonable minimum. Alternatively, in some situations, it may be agreed that the individual will contact their manager with updates. In cases of work related stress it may be appropriate for contact to be with another nominated manager which is mutually agreed with the colleague.
- 11.2. If an individual has any concerns while absent on sick leave, whether about the reason for their absence or their ability to return to work, they should feel free to contact their manager at any time.

12. Return to Work (RTW) Meetings

- 12.1. This section of the policy applies to all absences, other than when a colleague is returning from a long term sickness absence which has been managed and is fully documented under the formal stages of this policy.
- 12.2. A RTW meeting must be held at the earliest opportunity, and usually by the end of the first day back at work.
- 12.3. The purpose of the RTW meeting is to:
 - welcome colleagues back, and check that they are fit to be at work
 - explore any actions required to support colleagues back to work, or to help prevent further health issues arising
 - update colleagues on work matters
 - identify whether an individual workplace risk assessment needs to take place
 - ensure that the absence is correctly recorded
 - inform, if appropriate, that the level of absence means that further action will be taken.
- 12.4. RTW meetings should be conducted in a private area, allowing enough time for discussion of the points above.
- 12.5. RTW meetings will usually be between the colleague and their manager, however, the discussion can take place with a different person (e.g. someone of the same gender) if this would be more appropriate in the circumstances. In cases of long-term absence where a return to work is known in advance a colleague may request that a trade union representative is present at this meeting and this will be accommodated if possible.
- 12.6. The colleague does not need to have a statement from a healthcare professional confirming that they're now fit for work. However, if there are concerns (particularly of a safety nature, or if they are seeking to return prior to the end of a previously issued fit note) then the manager may arrange an Occupational Health (OH) appointment; OH may ask for a report from the individual's GP or a specialist (in which case any costs will be met by the Trust). There may be occasions where this needs to take place before the colleague can return to work; where this is the case it should be addressed in as timely a way as possible and kept under regular review.

- 12.7. Where a GP, specialist or OH provider makes suggestions to assist the colleague's return to work, the manager/Headteacher should assess whether or not it is possible to accommodate these recommendations. Wherever possible, reasonable adjustments should be made to support a phased return. If a manager/Headteacher has concerns about implementing the recommendations, advice should be sought from HR. If the colleague is a member of a recognised trade union, it may be appropriate and helpful that their union rep is involved at this stage (this may help to avoid disagreements over "reasonable adjustments" arising at a later stage).

13. Sickness during holidays

- 13.1. If colleagues are sick on a public / bank holiday they will not qualify for time off in lieu at a later date.
- 13.2. If all-year-round support staff colleagues are sick whilst taking annual leave, the absence can be reclassified as sickness subject to the following criteria:
- the manager must be informed at the time of sickness, and not after the period of annual leave;
 - For teachers, holidays and weekends do not count against the sick leave entitlements set out in the Burgundy Book, only the 195 working days are counted ('working days' means teaching and nonteaching days within 'directed time'). Teachers absent due to sickness continue to receive full or half pay, as appropriate, through weekends, and school holidays; however, these periods do not count against their sick leave entitlements. Teachers whose sick leave extends into the school holiday must continue to submit fit notes, even though the school is closed.

14. Medical examinations

- 14.1. Our Occupational Health provider provides independent occupational medical advice on employee health-related matters and acts in the capacity of an 'approved medical practitioner'. Their advice helps informed decisions to be taken on health matters, and supports colleagues who may be experiencing health issues to return to work.
- 14.2. Colleagues can ask to be referred to Occupational Health, or a referral may be requested by management. This may include (although is not limited to):
- long term sickness absence, and actions to support return to work

- health issues affecting performance at work
 - disability and adjustments to the job role or working environment
 - pre-employment health checks
 - medical redeployment and ill health retirement.
- 14.3. We may, at any time in operating this policy, ask a colleague to consent to a medical examination by our Occupational Health provider or a doctor nominated by us (at our expense). *Note: in order to satisfy entitlement to Occupational Sick Pay, any colleague can be required to undertake a medical examination, in line with the national terms and conditions of service.*
- 14.4. The colleague will be asked to agree that any report produced in connection with any such examination may be disclosed to us and that we may discuss the contents of the report with our advisers and the relevant doctor. It is expected that colleagues will agree to this request.
- 14.5. If consent is not given we are unlikely to have the best information available to make decisions which may affect the colleague and their health at work; decisions will be taken based on the information available at the time.

15. Support

- 15.1. All colleagues have access to the Employee Assistance Programme. Colleagues can also contact their unions/professional associations for support.

16. Medical suspension

- 16.1. Medical suspension means requiring a colleague to stay at home whilst a medical matter is being investigated; such suspension will be used for as limited a time as possible and for no longer than 26 weeks. The employee has a statutory right to normal pay (including bonuses) for up to 26 weeks, as long as they've been in their job for a month or more.
- 16.2. Our Trust has a duty to ensure the health and safety of its employees, and in certain circumstances a health professional may recommend that a particular colleague is unfit to work with a particular hazard. If the hazard cannot be removed, or temporary reasonable adjustments cannot be made to the colleague's role, our Trust may have to suspend the colleague until it is safe for them to return to work.

16.3. It may also be necessary to temporarily suspend a colleague from work on the grounds of ill health in the following circumstances:

- when there is a difference of opinion between the colleague's GP and the Occupational Health adviser regarding whether the colleague is fit to return to, or continue working in, their existing job
- the individual is deemed to be at risk to themselves or others because of their medical condition
- if any agreed reasonable adjustments are not operating or in place for a temporary period.

16.4. Any medical suspension will be at the normal rate of pay and the situation kept under regular review. It is not a disciplinary suspension. Advice should be sought prior to making a decision to suspend a colleague from the Regional HR Manager. The colleague is entitled to a written explanation of the reasons for suspension, and any available medical evidence should be taken into account.

17. Sick pay and sick leave

17.1. Our Trust will pay sick pay in line with national terms and conditions for teachers and support staff.

18. Unauthorised absence and misuse of sick pay

18.1. Absences that have not been notified according to the sickness absence reporting procedure will be treated as unauthorised absence.

18.2. Persistent failure to properly report absence or to provide medical or self-certification without good reason could lead to individuals' pay being suspended.

18.3. Unauthorised absence, failure to observe the requirements of sickness absence reporting or misuse of our Trust's sick pay scheme will be regarded as possible misconduct and may lead to disciplinary investigation.

19. Annual Leave and Long-term Sickness Absence

19.1. All colleagues are entitled to a statutory annual leave entitlement of 5.6 weeks (28 days) including bank holidays, pro rata for part time colleagues.

19.2. Teachers, and support staff on term-time only contracts, are contractually required to be available to work during term time and their statutory annual leave forms part of normal holidays during

school closure periods. Entitlement to statutory annual leave is not affected by either paid or unpaid long-term sickness absence. The entitlement to this leave will be offset by any period of school closure that has taken place in the leave year in question i.e. both before and after the sickness leave period.

- 19.3. If a colleague has been unable to take all their statutory annual leave entitlement during the leave year, advice should be sought from a RHRM. Where a colleague remains in employment with our Trust, any statutory annual leave untaken should be carried forward and taken in the school closure periods in the following year.
- 19.4. Where a colleague who works on a full-year basis has had an extended period of sickness absence and been unable to take their full statutory annual leave entitlement in the current leave year as a result, they will be able to carry forward the balance to the next leave year up to a maximum of 20 days (pro rata) – 28 days statutory entitlement, minus 8 days' bank holiday. There is no right to carry forward untaken contractual annual leave which exceeds the statutory entitlement; this will be considered on a case-by-case basis, up to a maximum of five days.
- 19.5. It is not possible for the colleague to decide to carry over the statutory entitlement into the next leave year, if there is time for it to be taken in the current leave year. It is also not possible to receive payment in lieu of the untaken statutory entitlement unless the colleague does not return to work after the period of sickness absence and the contract of employment ends.

20. Records

- 20.1. Records of absence management meetings, including appeals hearings, will be kept and remain on file as part of the colleague's overall record of employment. These records will be kept confidential and retained in accordance with the Trust's retention policy.
- 20.2. Records will be retained for six years after employment ceases, after which time they must be destroyed as confidential waste.

21. Review

- 21.1. This policy will be reviewed to respond to any changes in the employment legislation, and at least every three years, in consultation with the Trust's recognised trade unions.

Part B: Authority to act under the Policy

	Informal discussions on sickness absence and returning to work	Stage One & Stage Two Meetings	Stage Three – Hearing <i>Panel members should have had no prior involvement with the case</i>	Appeal against dismissal <i>Panel members should have had no prior involvement with the case</i>
All academy-based colleagues except those listed below	Headteacher (who may delegate responsibility to managers, or another appropriate person within their academy)	Headteacher (who may delegate to responsibility to a colleague)	Panel of three from the Resolutions Team	Panel of three from the Resolutions Team
Headteacher / Head of School / Executive Head	Executive Headteacher or Regional Director	Regional Director	Panel of three from the Resolutions Team to include Central SLT Member	Panel of three from the Resolutions Team to include CEO or DCEO
All central team colleagues except Central SLT members	Line manager	Stage One: Manager Stage Two: Trust SLT member (who may be the Manager)	Panel of three from the Resolutions Team	Panel of three from the Resolutions Team to include CEO or DCEO
Central SLT members other than the CEO	CEO	CEO	Panel of two trustees plus CEO or DCEO (as appropriate)	Panel of three trustees
Trust CEO	Chair of Trust Board (or nominated delegate)	Chair of Trust Board (or nominated delegate)	Panel of three trustees	Panel of three trustees

Part C: Procedure for managing repetitive and persistent short term absence

22. Cases of repetitive and persistent short-term sickness will be handled in a reasonable and fair way, but prompt and consistent treatment are essential in order to demonstrate to both the colleague concerned and other employees that repetitive and frequent absence is regarded as a serious matter.

23. Informal Support

- 23.1. Where there is concern about a colleague's attendance this should be raised with the colleague as soon as possible. This may be during a RTW interview and may be before any of the triggers in section 3 have been reached. This should usually occur if there is a pattern of frequent short-term absence that is considered unsatisfactory and as having a damaging effect on the pupils' learning and the operation of the academy or on the operation of the central team. The focus of any such discussion should be supportive and, if appropriate, the manager should direct the colleague to support providers such as the Employee Assistance Programme, and/or our Trust's Colleague Positive Mental Health and Wellbeing Policy. The colleague may also make any suggestions they may have to support their improved attendance. The manager should also bring this policy to the colleague's attention and the possible consequences of further absences.

24. Absence Triggers (short term)

- 24.1. A formal Stage One absence review meeting will normally be organised when a colleague's absence reaches a level of concern in line with one or more of the following:
- 3 or more separate periods of sickness absence in a rolling 12-month period
 - 7 or more working days lost in a rolling twelve-month period. *e.g. one absence lasting 7 or more days; or 3 absences of 1 day each; or two absences which add up to 7 or more days in total.*
(Note: these absence triggers will be proportionate to days worked for part time workers¹)
 - An unacceptable pattern of absence, *e.g. Fridays and/or Mondays; before or after Bank Holidays or school closure periods;*

¹ 3 or 4 days per week worked= 5.5 days lost or 3 absences; 1 or 2 days worked= 3 days lost or 3 absences

- Other concerns about levels of absence, such as an increase in absence following expiry of a support and review period, or someone who is in and out of Stage One over an extended period of time.
- 24.2. The purpose of these triggers is to alert the school to undertake a formal review of a colleague's record of absence and assess whether further action is necessary, following full consideration of each individual's circumstances and the nature of their absences. If a formal meeting is not held when an absence trigger is reached, it does not 'exclude' this absence from consideration nor preclude the manager convening such a meeting if there is a further period of absence.

Modification of absence triggers

- 24.3. Modification of these triggers will be considered as a "reasonable adjustment" in relation to a disability, under the terms of the Equality Act. Any such modifications should be set with consideration for medical advice and only following discussion with a Regional HR Manager. The adjusted absence triggers will be notified to the colleague in writing.
- 24.4. Adjusted absence triggers will not usually be applied retrospectively.
- 24.5. Usual sickness absence management procedures should be followed if the adjusted triggers are not met.
- 24.6. Where modified absence triggers are in place, a review meeting should be held annually, or sooner if:
- the colleague's medical condition changes
 - the requirements of the job change
 - it's apparent that the adjusted targets do not reflect the extent to which the level of absence is or is not disability-related.
- 24.7. The modified absence triggers may be revised (this may be up or down) as a result of this review; any changes will apply from that point onwards.

25. Formal action - Stage One Meeting

- 25.1. The colleague will be given at least 5 working days' written notice of the meeting (unless the colleague agrees in writing to less) and will be reminded of their right to be accompanied. A copy of their absence record will be included, and they will be informed of who will conduct the meeting.

25.2. The purpose of the meeting will be to:

- Examine the reasons, pattern and nature of the absences
- Check the accuracy of the absence record
- Examine whether there is an underlying cause or condition, and the prognosis of this if known
- Decide whether further information needs to be sought either from the colleague's doctor or a referral to the Occupational Health Provider
- Give the colleague the opportunity to discuss any problems or raise any concerns
- Consider reasonable adjustments if the absence is disability related
- Consider whether a more detailed risk assessment is required, or whether there are any support measures which would assist the colleague in reducing their sickness absence
- Remind the colleague that if their attendance does not improve to the required level, that it will continue to be managed under the Sickness Absence Policy
- Inform the colleague they will receive a letter to confirm the outcome of the discussion.

25.3. A target for improvement should be set, along with the timescale over which absence levels will be reviewed. It is recommended that a target of zero absence for the three month period (the 'monitoring round') following the date of the Stage One meeting is used. When setting targets for improvement, the manager will need to take into account the individual circumstances of any case, medical advice received and the impact of any disability.

25.4. A representative from HR may attend the meeting to provide procedural advice, but they are not required to do so.

25.5. The outcome of the meeting must be confirmed in writing to the colleague within 5 working days. This should include the improvement expected, timescales for the support and review period, support to be given / actions to be taken, and a reminder that failure to reach and maintain the required level of attendance could lead to further action.

Next steps

25.6. If appropriate, and where agreed, interim review meetings may be held during the support and review period to check that actions / support are taking place as agreed.

25.7. If the colleague's attendance improves to the required standard for the specified support and review period the colleague will be removed

from the sickness absence procedure. It is, however, expected that the improvement will be sustained. Should a further review meeting be triggered within twelve months of the date of the previous stage one meeting the process will recommence at Stage Two.

- 25.8. If, however, there are further absences during the support and review period which exceed the target set, the process will move to Stage Two. It is not necessary to wait until the end of the support and review period to do this; this can happen at the point that the target is exceeded.

26. Formal action – Stage Two Meeting

- 26.1. The colleague should be invited to the Stage Two meeting in writing with at least 5 working days' notice, and advised of the right to be accompanied by a trade union representative or colleague.
- 26.2. This meeting is being held because there have been one or more further absences, which exceed the target set out at the Stage One meeting. A discussion should take place considering the points outlined at paragraph 25.2 (above); this is an opportunity to discuss any further support / action appropriate to help the colleague improve and maintain an acceptable level of attendance. It is also important to make them aware that failure to reach the required level of attendance could lead to a Stage Three Hearing, at which their capability for continued employment would be considered (ie this could lead to their dismissal).
- 26.3. A target for improvement should be set, along with the timescale over which absence levels will be reviewed. At Stage Two, the support and review period (the 'monitoring round') should be no more than six months. It is recommended that a target of zero absence for the six month period following the date of the Stage Two meeting is used.
- 26.4. A representative from HR may attend the meeting to provide procedural advice, but they are not required to do so.
- 26.5. The outcome of any meetings held under Stage Two must be confirmed in writing within 5 working days. This should include the improvement expected, the support and review period, support to be given / actions to be taken, and a reminder that failure to reach the required level of attendance could lead to a Stage Three Hearing which could lead to their dismissal.

Next steps

- 26.6. If appropriate, interim review meetings may be held during the support and review period to check that actions / support are taking place as agreed.
- 26.7. If a colleague's attendance improves to the required standard for the specified support and review period the colleague will be removed from the sickness absence procedure. It is, however, expected that the improvement will be sustained. Should a further review meeting be triggered within twelve months of the date of the previous Stage Two meeting the process will move directly to a Stage Three hearing, other than in exceptional circumstances (see paragraph 26.9).
- 26.8. If however, there are further absences during the support and review period which exceed the target set, the process will move to Stage Three. If the colleague fails to meet the specified attendance target, the next stage of the procedure will be implemented immediately – it is not necessary to wait until the end of the support and review period.
- 26.9. In exceptional circumstances a decision may be taken by a Headteacher, having sought advice of a Regional HR Manager, not to move immediately to Stage Three but to carry out additional actions at Stage Two. If so, the decision must be documented in writing, shared with the colleague concerned, and retained on their HR file.

27. Formal action – Stage Three Hearing

- 27.1. Where a colleague's attendance record does not improve sufficiently following the Stage Two meeting, a Stage Three Hearing should be arranged. By this stage, the colleague will have been given every opportunity to improve attendance to an acceptable level by allowing a reasonable period of time between the first formal review (Stage One) and Stage Three review. If all efforts have failed, our Trust has a duty to consider termination of the contract of employment on the grounds that the employee is unable to meet their contractual obligations to work.
- 27.2. The colleague will be given at least 10 working days' notice in writing of a Stage Three hearing. The notification letter will confirm:
 - The problem with their attendance and the reasons for the Stage Three hearing
 - The date, time and location of the hearing
 - The name of the person chairing the hearing

- The right to be accompanied and/or represented by a trade union representative or work colleague
 - The requirement to provide in advance a copy of any documents that they will be relying upon, and the names of any other persons that they will be calling at the hearing at least 3 working days before the hearing
 - The advice that the hearing could result in their employment being terminated.
- 27.3. Copies of documents that management will refer to at the hearing, and names of any other persons that they wish to call will be included with the notification.
- 27.4. At the hearing both the management side and the colleague will be given the opportunity to state their case, call other persons and ask questions. HR will attend the hearing to provide procedural advice.
- 27.5. The panel will consider:
- The colleague's overall attendance record
 - The impact of the level of attendance on the academy / Trust
 - Representations from the colleague
 - Whether the reason for the absence(s) falls within the disability provisions of the Equality Act 2010
 - The management of the case
 - Any medical advice received
 - The support / reasonable adjustments considered and/or provided
 - Any further action that can be taken
 - Whether options for redeployment within the academy or Trust on medical grounds have been considered
 - Whether ill-health retirement has been considered
- 27.6. The hearing will normally be adjourned whilst the chair/panel hearing the case reaches a decision.
- 27.7. The outcome of the hearing may be either dismissal on the grounds of ill health capability or alternative action in the light of evidence presented at the hearing. Where a colleague is dismissed they should be dismissed with appropriate pay, which may be paid in lieu of notice. The colleague will be notified in writing of the outcome normally within 5 working days and of their right of appeal.
- 27.8. A postponement may be granted if the colleague's representative is unable to attend on the proposed date. A postponement should not

be for more than 5 working days after the original date proposed, however, an extension to this time limit can be made by mutual agreement. Where a hearing is rearranged and the colleague's representative is unable to attend a second time, the hearing will normally convene, as arranged, and a decision taken in the colleague's absence.

28. Appeals

Please see Part E

Part D: Procedure for managing long term absence (or linked absence covering substantial periods)

29. Overview and definition of long term absence

- 29.1. "Long term absence" is a period of sickness which has lasted, or is expected to last, more than four weeks. It may also include a series of linked absences covering substantial periods of time, which are related to an underlying health or medical condition.
- 29.2. We will provide appropriate support to help colleagues return to work after longer term illness or injury, and to attend work regularly where there is an underlying health condition, for example through a phased return, counselling, occupational health, reasonable adjustments and in some cases redeployment.
- 29.3. However, in some cases where all reasonable steps have been taken to support the colleague in returning to work and sustaining an acceptable level of attendance and this has not been achieved, it may be appropriate to consider ill health retirement or dismissal on the grounds of ill health capability.

30. Informal Support

- 30.1. Where a colleague has been absent from work due to sickness and this extends into a second continuous week, the manager (or other appropriate link person) must make every effort to make contact with the colleague, in order to establish the current situation and provide welfare support. This should be done in a sensitive manner, giving due consideration to the colleague's well being.
- 30.2. At this point, the frequency of ongoing contact should be discussed and agreed. It is advised that this should be approximately every two weeks, unless circumstances dictate otherwise. It's important to keep a record of the contact (including attempted contact) on every occasion.
- 30.3. If appropriate and depending on the circumstances, the manager may:
 - direct the colleague to support providers such as our Employee Assistance Programme / Third Party support services such as Access to Work or Able Futures
 - sign-post to the Colleague Positive Mental Health and Wellbeing Policy

- conduct a risk assessment
 - ask the colleague for any suggestions they may have around how their return to work could be supported
 - organise to meet with the colleague informally to discuss their absence.
- 30.4. Where this contact indicates a long term absence lasting or expected to last four weeks or more, or a development of a long term health problem, the manager should refer the member of staff to Occupational Health (unless there's a clear reason not to do so), in order to:
- establish the state of the colleague's health
 - offer assistance and support to the colleague
 - obtain an opinion on the likelihood of a sustained return to work
 - consider any recommendations under the Equality Act 2010.
- 30.5. The manager does not need to wait until the absence has already lasted four weeks before making an Occupational Health referral. The employee must be informed of the referral to Occupational Health; this must be done sensitively. A copy of the referral form should be shared with the individual. Advice should be sought from a Regional HR Manager on making OH referrals.

31. First Formal Absence Review Meeting (Stage One)

- 31.1. A Stage One review meeting should take place as soon as the absence exceeds four weeks and arrangements for this meeting should be made as soon as a fit note is received indicating that the absence will do so. The aim of this meeting is to have a formal discussion about the absence, and to put in place a plan to support the colleague during their absence and towards a return to work.
- 31.2. The colleague will be given at least 5 working days' written notice of the meeting (unless the colleague agrees in writing to less) and will be reminded of their right to be accompanied. A copy of their absence record will be included, and they will be informed of who will conduct the meeting.
- 31.3. The purpose of the meeting will be to:
- Examine the reasons for the absence, and the absence history if relevant. This will generally be over the previous 12 months, but it may be relevant to consider a longer time frame where relevant to the current absence

- Examine whether there is an underlying cause or condition, and the prognosis of this if known
 - Check the accuracy of the absence record
 - Ask about treatment and/or specialist help being received
 - Review report from our Trust's occupational health provider (if available), and decide whether further information needs to be sought either from the colleague's doctor or specialist, or from occupational health
 - Give the colleague the opportunity to discuss any problems or raise any concerns
 - Consider whether the Equality Act applies, and reasonable adjustments if the absence is disability related
 - Make reference to the Colleague Positive Mental Health and Wellbeing Policy, and, if appropriate, to occupational health advice
 - Consider whether a more detailed risk assessment is required, or whether there are any support measures which would assist the colleague in making a successful return to work
 - If appropriate, discuss arrangements for a phased return
 - If appropriate, involve or seek advice from other support organisations such as our Employee Assistance Programme, Access to Work, Able Futures, HSE, Mind, Remploy, charities offering specialist advice related to specific medical conditions
 - Confirm the anticipated return to work date, where possible, and establish when the situation will be reviewed
 - Inform the colleague they will receive a letter to confirm the outcome of the discussion.
- 31.4. A representative from HR may attend the meeting to provide procedural advice, but they are not required to do so.
- 31.5. The outcome of the meeting must be confirmed in writing to the colleague within 5 working days. This should include details of the discussion, support to be given / actions to be taken, and when the absence will be reviewed should it continue.
- 31.6. In circumstances where the colleague remains continually absent for an extended period, the review period will be set in line with individual circumstances (all factors should be taken into consideration) and, where the absence is continuing, progression to the next stage will take place at the end of the review period (or 'monitoring round') established. The review period should normally be no longer than two months.

Next steps

- 31.7. Interim review meetings may take place during the support and review period, where mutually agreed, to check that actions / support are taking place as agreed.
- 31.8. If a colleague returns to work prior to or at the end of the support and review period (the 'monitoring round'), the colleague will be removed from the sickness absence procedure. It is, however, expected that the return to work will be sustained. Targets for sustained good attendance over the following 12 month period should be set and communicated. These should include both:
- a further substantial period of linked absence (2 weeks or more), or a further period of long term absence, within the 12 months following the date of return, will lead to the procedure recommencing at the stage it was stopped, i.e. moving directly to Stage Two or Stage Three), and
 - any occasions of unrelated short term absence will be managed in line with the short term process above.
- 31.9. If the colleague remains continually absent at the end of the support and review period, a Stage Two meeting will be arranged.

32. Phased return to work

- 32.1. A phased return to work may be used as a way of supporting colleagues to return to work following a long-term period of absence, and may form part of a reasonable adjustment for a colleague with a disability. This may be arranged through informal welfare meetings or as part of formal Stage meetings. A colleague may be accompanied by a trade union representative or work colleague at meetings to discuss a phased return.
- 32.2. A phased return to work must be agreed between the management of the school and the colleague. It will need to take account of what is possible for the academy to accommodate based on how it might impact on operational needs. A phased return to work needs to take account of the individual colleague's circumstances and what would be appropriate support for the individual in returning. Further advice on the type of phased return required may be sought in advance from the academy's Occupational Health provider.
- 32.3. The exact length and nature of the phased return will be determined on a case by case basis taking into account the length and nature of

the preceding absence and the relevant medical evidence / Occupational Health advice. A phased return should be no longer than necessary and, although there may be exceptions, will generally last between two and four weeks.

- 32.4. An academy will normally only be able to support one phased return to work per individual colleague in any one academic year, but this will be considered on a case by case basis and in line with available medical advice. Any exceptions to this should be discussed with the Regional HR Manager.
- 32.5. Colleagues will return to full pay when the phased return commences. Any days or hours not worked will not be counted as sickness absence.
- 32.6. If the colleague is unable to return to their normal contracted hours by the end of the agreed phased return period then a review of the situation will be required which might determine:
 - The colleague is not ready to return to work and therefore may be absent again from work due to sickness - depending on medical advice.
 - The colleague is able to be at work but is unable to fulfil their normal contracted hours, a temporary variation to reduce hours might be agreed between the school and the colleague and any pay will therefore be on a pro-rata basis.

33. Second Formal Absence Review Meeting (Stage Two)

- 33.1. The colleague should be invited in writing with at least 5 working days' notice, and advised of the right to be accompanied by a representative or colleague. The invitation letter should set out a summary of the current situation, including any updates since the previous meeting.
- 33.2. The meeting will revisit the points set out in section 31.3, and:
 - Consider the latest advice from the colleague's GP / specialist / occupational health (as appropriate)
 - Consider the anticipated return to work date
 - Consider whether any further actions could be taken to facilitate the colleague's return to work (or their sustained attendance, if in relation to intermittent substantial linked absence), including arrangements for a phased return if appropriate
 - Consider whether redeployment to alternative role on medical grounds is appropriate (see Part E)

- Consider whether retirement on ill health grounds is appropriate. This may be available to colleagues who are certified as permanently unfit for the job they are employed to do, and is dependent on individual circumstances, medical advice and pension scheme rules.
 - Set a review period in line with individual circumstances (all factors should be taken into consideration) which should be long enough to allow all reasonable steps to be taken to support the colleague's return to work. Unless there are exceptional circumstances, the review period will be no longer than two months.
 - Inform them that where the colleague continues to be absent and there is uncertainty regarding if or when they will return, or if a colleague is unable to sustain regular attendance due to an underlying health condition and there is no way of predicting if or when their health will improve, progression to the next stage, a Stage Three Hearing to consider the colleague's dismissal on the grounds of ill health capability, may take place at the end of this review period.
 - Inform the colleague that they will receive a letter to confirm the outcome of the meeting.
- 33.3. A representative from HR will usually attend the meeting to provide procedural advice, but they are not required to do so.
- 33.4. The outcome of the meeting must be confirmed in writing within 5 working days. This should include details of the discussion, the review period, the support to be given / actions to be taken, and informing the colleague that continued long term absence could lead to a formal hearing which could result in dismissal on the grounds of ill health capability.

Next steps

- 33.5. Interim review meetings may be held during the support and review period to check that actions / support are taking place, as agreed with the colleague.
- 33.6. If the colleague returns to work and successfully completes any agreed phased return period, the long term sickness absence procedure will come to an end. A target for sustained good attendance over the following 12 month period should be set and communicated. It is recommended that this is that a further substantial period of linked absence (2 weeks or more), or a further period of long term absence, within the 12 months following the date of return, will lead to the procedure recommencing at the stage it was stopped, e.g. moving to Stage Three.

- 33.7. Note: any occasions of unrelated short term absence will be managed in line with the short term process above.
- 33.8. Where the end of the Stage Two review period is reached and the colleague has not returned to work and there is no return anticipated within reasonable timescales (based on latest occupational health advice), and where retirement on ill health grounds is not available, a formal Stage Three hearing should be arranged.
- 33.9. Before convening a Stage Three hearing, it is important that consideration has been given to all reasonable steps which could be taken to support the colleague in returning to work, including redeployment to an alternative post. Additional meetings may take place with the colleague at Stage Two to discuss this.

Ill Health Retirement

- 33.10. Some colleagues may be considered for ill health retirement, which allows the colleague to access early release of pension benefits in line with appropriate TPS or LGPS scheme regulations. Proposals for ill-health retirement should be documented on a business case and any exit costs are subject to approval by our Trust's CEO and appropriate level of authority (determined by the financial limits as set out in our Trust's Scheme of Delegation). This will be dealt with according to the processes in place with the relevant pension scheme and won't be the decision of individual schools.
- 33.11. Only an approved, independent Occupational Health Physician can determine whether a person meets the criteria for ill health retirement; they will review the medical evidence available in relation to the application. If ill health retirement is approved, and accepted as a course of action by the colleague, any Stage Three meeting required to confirm this may be held by the Headteacher / Trust CEO standing alone. There are variations between the precise arrangements and requirements for different pension schemes, which should be carefully checked - advice should be taken from the Regional HR Manager.

34. Final Formal Absence Review Meeting – Stage Three Hearing

- 34.1. The colleague will be given 10 working days' notice in writing of a stage 3 hearing. The notification will include:
- The concerns about their attendance and the reasons for the stage 3 hearing
 - The date, time and location of the hearing

- The name of the person chairing the hearing (where possible) - names of all panel members will be shared in advance of the meeting where possible
- The right to be accompanied and/or represented by a trade union representative or work colleague
- The requirement to provide the chair hearing the case with a copy of the documents that they will be relying upon and the names of any other persons that they will be calling at the hearing at least 3 working days before the hearing
- The advice that the hearing could result in their employment being terminated
- Copies of documents that management will refer to at the hearing, and names of any support that they wish to call will be included with the notification
- At the hearing both the management side and the colleague will be given the opportunity to state their case, call support and ask questions. HR will attend the hearing to provide procedural advice.

34.2. The chair/panel will consider:

- The colleague's overall attendance record
- The impact of the level of attendance on the academy / Trust
- Representations from the colleague
- Whether the reason for the absence(s) falls within the disability provisions of the Equality Act 2010
- The management of the case
- Any medical advice received
- The support / reasonable adjustments considered and/or provided
- Any further action that can be taken
- Options for redeployment within the academy or Trust on medical grounds
- Whether ill-health retirement has been considered

34.3. The hearing will normally be adjourned whilst the chair/panel hearing the case reaches a decision.

34.4. The outcome of the hearing may be either dismissal on the grounds of ill health capability or alternative action in the light of evidence presented at the hearing. Where a colleague is dismissed they should be dismissed with appropriate notice. The colleague will be notified in writing of the outcome normally within 5 working days and of their right of appeal.

- 34.5. A postponement may be granted if the colleagues' representative is unable to attend on the proposed date. A postponement should not be for more than 5 working days after the original date proposed, however, an extension to this time limit can be made by mutual agreement. Where a hearing is rearranged and the colleague' representative is unable to attend a second time, the hearing will normally convene, as arranged, and a decision taken in the colleague's absence.
- 34.6. Termination of employment during a period of sick leave: in the event of a colleague exhausting in part or full their entitlements to sick pay and being given notice of the termination of their contract without returning to work on the ground of permanent incapacity or for some other reason related to the sickness absence, they shall be paid full salary for the notice period with normal deductions only; this may be paid as pay in lieu of notice.

Part E: Consideration for redeployment

35. Redeployment should only be considered where it could either help the colleague to reach and maintain a satisfactory level of attendance or make a successful return to work from long term absence. Where this is not the case or there is no alternative then the Manager will move to stage three and a hearing will be convened.
36. Following advice from Occupational Health and/or other independent medical professionals, and input from Headteacher and the Regional HR Manager, the Manager should discuss with the colleague the possibility of redeployment taking into consideration the impact of the colleague's health on their abilities and the future prognosis.
37. There is no requirement to create a role for the colleague, however they should be considered for suitable vacancies within our Trust.
38. Where the colleague has a condition that falls under the definition of disability under the Equality Act then steps should be taken to make reasonable adjustments to enable them to undertake the vacant role.
39. Redeployment opportunities will be sought for a specified period, normally no longer than eight weeks. When redeployment is not found within the specified time a Stage Three hearing will normally be arranged. Academies will continue to seek redeployment opportunities during the stage three process and notice period.
40. Redeployment on a permanent basis may be considered if a suitable alternative post is vacant within our Trust. In this case, pay will be at the rate for the job; there is no pay protection.
41. A trial period of four working weeks will apply where there is a difference in the skills required to carry out the new role and the employee's previous role. The aim of the trial period is to allow both parties an opportunity to decide whether the employee is suitable for the role. It enables an assessment to be made on whether the employee has the required skills, with training, to do the new job. Appropriate support and training will be discussed and offered to assist the employee in being successful in the role within the trial period.
42. Subject to successful completion of the trial period and in agreement with the colleague, they may then be confirmed in post.
43. In exceptional circumstances and by mutual agreement only, the trial period can be extended for up to eight working weeks. Where this is agreed the

Headteacher will write to the colleague to confirm the extension and the new date for review.

44. If either our Trust or the colleague deems the trial unsuccessful, the supporting attendance procedure will recommence at the stage it was stopped. If the colleague moved to a lower paid role for the trial period, they will return to their previous terms and conditions from the date that it is confirmed that the trial was unsuccessful.

Part F: Appeals Process

45. A colleague is entitled to appeal against the decision taken at the Stage Three hearing.
46. The appeal must be on the basis of one of the following grounds:
 - The procedure - a failure to follow procedure had a material effect on the decision
 - The decision - the evidence did not support the conclusion reached
 - The penalty - was too severe given the circumstances of the case
 - New evidence - which has come to light since the Stage Three hearing
 - Bias or discrimination
47. The appeal must be made in writing, addressed to the person stated in the Stage Three outcome letter, stating the specific grounds for the appeal, within 10 working days of being advised in writing of the decision at any stage.
48. The appeal will be heard as soon as possible and not normally later than 20 working days after being received.
49. The colleague will normally be given 10 working days' notice, in writing, of the date of the appeal hearing. This notification will remind the colleague of their right to be accompanied at the hearing by either a trade union representative or work colleague. HR will attend the hearing to provide procedural advice.
50. Both parties must indicate at least 3 working days in advance of the appeal hearing which, if any, other persons they wish to call and provide copies of any documentation that will be relied upon at the hearing. In exceptional circumstances an alternative time-scale may be agreed.
51. The chair of the Stage Three hearing will attend the appeal to present the management case.
52. The colleague will be able to present evidence that is relevant to the grounds of the appeal. Our Trust will have the opportunity to respond.
53. The appeal hearing may confirm or overturn the decision or may recommend some alternative action.
54. The colleague will be informed of the appeal decision in writing, normally within 5 working days. The decision of the appeal hearing is final.

Annex 1 - Return to Work Form / Self-Certificate – Record of Sickness Absence

This form must be completed for all sickness absences, regardless of duration

Name	
Payroll Number	
Job Title	
Start date of absence	
Date of return to work	
Number of working days absent	
Reason for absence (please give details of symptoms or injury, saying "unwell" or "illness" is not sufficient)	
Was medical advice sought? (if so, please give detail e.g. date & place, and what was advised)	YES / NO
Are you receiving any ongoing medication, treatment or support? (if so, please give further information)	YES / NO
Was the absence related to an accident or injury at work, or other workplace factors? (give details as appropriate)	YES / NO
Was the absence related to a disability? (give details as appropriate)	YES / NO / NOT SURE
Does the colleague feel fit to return to work? – if no give reasons	YES / NO
For absences over 7 calendar days, has a fit note from a GP or hospital been provided? (please attach a copy to	YES / NO / Not Applicable

this form, and note any actions recommended)			
Are any arrangements required to support the colleague's return to work? (if so, please use the space below to give details)		YES / NO	
Have arrangements been made to update the colleague on work issues they may have missed?		YES / NO	
<p>Agreed actions: please use this space to:</p> <ul style="list-style-type: none"> state any support that is being offered to colleague and/or actions that are to be put in place as a result of the colleague's absence record any other relevant information about the absence which has not been captured above 			
Has the colleague met one of the following indicators which could prompt a formal review meeting (please tick, underline or highlight)? If so, please refer to the Supporting Attendance Policy for guidance.			
3 absences* in a rolling 12-month period	Total of 7 days absence* in a rolling 12-month period	An unacceptable pattern of absence	More than 28 calendar days absence, with no known return to work date

*pro rata for part time staff

<p><i>I have read and agree with the notes above, and understand that the information on this form can be used for sickness absence monitoring purposes. I declare that I have not undertaken any other form of secondary employment during this period of absence (unless otherwise agreed with my line manager). I am aware that a poor attendance record may result in action being taken under our Trust's Supporting Attendance Policy.</i></p>	
Colleague's comments:	
Colleague's signature:	Date:

Manager's signature:	Date:
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Annex 2 - Statement of Fitness for Work ("Fit Note")

Fit notes tell you whether or not the employee's Doctor thinks they are fit to attend work.

They will normally advise that the colleague:

- Is not fit for work, where the medical opinion is that the colleague should refrain from undertaking their duties, or
- May be fit to work, taking into account their advice which may include recommendations such as phased return, altered hours, amended duties or workplace adaptation.

Phased return: this may be suggested if the Doctor feels the colleague would benefit from a gradual increase in their duties and/or hours. This can be helpful as someone gradually rebuilds their capacity / strength following a prolonged absence.

Altered hours: a Doctor may recommend this if they feel the colleague will benefit from a change to the hours they normally work, in order to help them return to work. This does not necessarily mean fewer hours. This may help someone who is still receiving treatment to return to work with an earlier or later start or finish time.

Amended duties: a Doctor may recommend this if they feel the colleague could return to work if some temporary amendments were made to their duties. For example, swapping some duties of a role with a colleague for a few weeks to reduce the amount of lifting & carrying involved.

Workplace adaptations: this may be suggested if the Doctor thinks an early return to work could be facilitated by adapting the workplace, for example arranging a temporary ground floor work location for a colleague with reduced mobility post-surgery.

If you receive a Fit Note you need to have a discussion with the colleague as soon as possible, and ideally before they return to work (or alternatively as part of a return to work meeting), so that you can discuss the Doctor's recommendations.

The Fit Note is advisory only. The recommendations are considered to be temporary measures, and where possible they should be accommodated for an agreed timescale. If it is not possible to accommodate them, the reasons for this should be explained to the colleague, and the statement should then be treated as

if the doctor had advised the colleague was not fit to work, this will be treated as a medical suspension.

Where a colleague requests a return to work before the fit note expires there is no requirement for them to get confirmation that they are fit to be in the workplace from their Doctor. However, their return is subject to the approval of the academy. Where such a request is received, consideration should be given to carrying out a workplace risk assessment – and if there are any concerns about the colleague returning to work then Occupational Health advice should be sought.

Further advice and information on fit notes can be found here:

<https://www.gov.uk/government/publications/fit-note-guidance-for-employers-and-line-managers>

Annex 3 - Order of Proceedings for Stage Three Hearing

Introduction

- The chair of the meeting should:
 - Introduce those present, and explain why they are there. A notetaker, who is not involved in the case, should be appointed to take notes on the proceedings and Human Resources will be present throughout the hearing.
 - Explain the purpose of the meeting i.e. to review the colleague's attendance record and, in line with this policy, to consider their dismissal from employment by Co-op Academies on the grounds of ill-health capability.
 - Explain how the meeting will be conducted. Particular attention should be paid to any reasonable adjustments which may be necessary in light of the colleague's health.
 - Ensure all parties have had access to all of the paperwork being considered and had the opportunity to read it.
 - Explain that any party can request an adjournment at any point and all reasonable requests will be agreed.

Statement of the Management's Case

- The person presenting the management case, who is likely to be the Headteacher / Head of Service / line manager of the individual, will state the details of the case and grounds for dismissal, including:
 - the colleague's overall attendance record
 - the impact of the level of attendance on the academy / Trust
 - whether the reason for the absence(s) falls within the disability provisions of the Equality Act 2010
 - the management of the case
 - any medical advice received
 - the support / reasonable adjustments considered and/or provided
 - any further action that has or could be taken
 - any options for redeployment within the academy or Trust on medical grounds
 - whether ill-health retirement has been considered
 - consideration of any representations made by the colleague at earlier stages of the process.

- If considered appropriate, witnesses may be called to present in person.
- The colleague and their representative will have the opportunity to ask questions of the person presenting the management case.
- Panel members will have the opportunity to ask questions of the person presenting the management case.

Colleague's Reply

- The colleague will be given the opportunity to state their case and respond to any points that have been made by management. They should be able to ask questions, present evidence and call witnesses. The colleague and their companion should be given the opportunity to confer privately.
- Panel members will have the opportunity to ask questions of the person presenting the management case.

General questioning and discussion

- The person/panel hearing the case should ask any further questions they may have of both the manager/Headteacher and the colleague to fully establish all the facts.
- If new facts emerge, it may be necessary to adjourn the hearing to consider these.

Summing up

- Chair asks the manager presenting the case to sum up
- Chair asks the colleague to sum up

Adjournment before decision

- The Chair should adjourn the meeting before a decision is taken. This allows the panel time for reflection and proper consideration; as much time should be taken as is necessary. All parties should leave the meeting other than the panel members, the HR colleague supporting the panel and the notetaker.
- The outcome of the hearing may be either dismissal on the grounds of ill health capability or alternative action in the light of evidence presented at the hearing.
- Where a colleague is dismissed they should be dismissed with appropriate notice.

Giving the decision

- The Chair will inform all parties whether the meeting will reconvene or the outcome will be communicated in writing after the hearing.
- The decision will be communicated in writing within 5 working days.