

## Managing Sickness and Absence Policy

### Policy Details

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## 1. Introduction

This policy applies to all employees of the Trust. It does not form part of any employee's terms and conditions of employment and is not intended to have a contractual effect. It is provided for guidance only and the Trust reserves the right to amend its content at any time.

This policy should be read in conjunction with the Leave of Absence Policy (LT2-NSP-013-I) and Pay Policy (LT2-SP-021-I). The Trust recognises that different approaches may be required, depending on the nature of the employee's absences. There are four key aims of this policy:

- To understand the cause of any absence and the effect it may/will have on the employee's ability to carry out their job function effectively.
- To provide support to employees to help them manage their health, work or welfare problems, including work-related stress.
- To explore any options which could help employees to improve attendance and/or facilitate their return to work.
- To outline the key stages of an absence management process and the potential outcome(s) In addition, the Trust will bear in mind:
  - Employees rights to medical confidentiality
  - Employee's expectation of fair and consistent treatment

The Policy also outlines the process to be taken when an employee is incapable of carrying out their job role due to a long-term illness or a disability, the outcome of which could be a transfer to another position or a dismissal on the grounds of capability.

During special events (i.e. a pandemic, infectious disease, contagious illness) the Trust will follow the guidance provided by the Government and Public Health England and where required will adjust our process accordingly.

### Confidentiality

All sickness absences will be treated in a confidential manner with information only being shared on a need-to-know basis to implement and monitor this policy. All documentation will be kept on the employee's personal file. The information contained in these records will be disclosed to the Trust HR Team, legal services, Occupational Health, Healthcare professionals and any other nominated officers responsible for monitoring sickness absence but to no one else without the employee's consent.

If, for reasons of confidentiality or sensitivity, an employee does not feel able to discuss details of their absence with the Headteacher/Line Manager they may speak to an alternative member of the School Leadership Team, the Trust HR Team or their Trade Union Representative to raise the issue on their behalf.

## **2. Scope of Policy**

The Managing Sickness and Absence Policy covers all absences related to sickness and applies to all members of Trust staff, irrespective of their job or level of seniority. This policy does not apply to volunteers, contractors and agency workers.

Where there are issues are not relating to sickness refer to the Leave of Absence Policy (LT2-NSP-014-I).

If there are absences relating to performance, it will be addressed under the Trust Capability Procedure (LT2-SP-006-I).

Abuse of the sickness absence system will be addressed as part of the Trust Disciplinary Policy and Procedure (LT2-SP-001-I).

## **3. Responsibilities**

The Trust recognises it has a statutory obligation to adopt formal policies and establish workplace procedures for dealing with managing sickness and absences. The Trust recognises that managing sickness and absences rules and procedures promote good employment relations and is committed to dealing with matters in a fair and consistent way.

The CEO takes overall responsibility for the implementation of the policies and procedures and provides reports as appropriate to the Trustees in relation to this policy.

The Headteachers are responsible for the implementation and compliance with this policy within their school ensuring competence in those staff who are responsible for and involved in the operation of this policy and guidance.

Trust HR Team are responsible for advising leaders, line managers and employees in relation to this policy and supporting absence management meetings where required.

Line managers are responsible for managing the sickness and absence process with their direct reports, and ensuring all relevant meetings take place within the required timeframe, and suitable actions are taken to proactively reduce sickness absence. Line managers to ensure that correspondence is copied to School Operations Manager for purposes of maintaining HR files

All employees have a responsibility to comply with this policy and to co-ordinate with the schools Leadership and Management on all matters relating to it.

## **4. Representation**

Employees have a statutory right to be accompanied at formal managing sickness and absence meetings/hearings by their trade union representative or a workplace colleague. The Trust will extend this right and allow for employees to be accompanied at all informal meetings as part of the procedure.

The employee is responsible for arranging their representation, including notifying the representative of the hearing date in good time and sending copies of all relevant

documentation. Where the employee's trade union representative is not available at the time proposed for the meeting/hearing, the employee may propose an alternative date and time.

The Trust should try to agree a mutually convenient date for the meeting with the employee and their union representative in order to ensure that meetings do not have to be delayed or rescheduled.

The trade union representative may address a hearing/meeting to put the case for the employee and/or sum up the case, respond on behalf of the employee to any views expressed at the meeting/hearing and may confer with the employee. They may not, however, answer questions on their behalf.

The Trust will need to consider whether any additional support for the employee is required, for example to make reasonable adjustments where there is a physical disability or other special need.

## **5. Notification**

If employees are unable to attend work due to sickness absence, the employee must follow the schools' reporting procedures from the first day of the absence. The employee will need to explain why they are unable to attend and indicate when they will likely be able to return to work.

## **6. Healthcare Professional Assessment-Statements of Fitness for Work**

A fit note is an official written statement from a registered healthcare professional giving their medical opinion on a person's fitness to work for example GP, clinician, occupational therapist, pharmacist or physiotherapist working a general practice or hospital setting.

The fit note might include recommendations for how the Trust could support the employee.

If an employee is absent due to sickness for 7 calendar days or less (including weekends and public holidays), you will not need a fit note. The employee may instead self-certify their absence. The Self Certification Form (LT2-FO-006-I) will need to be completed upon return to work and given to the employee's Line Manager.

If an employee has a period of sickness absence for longer than 7 calendar days (no matter how many days they work each week), the employee should get a fit note from a registered healthcare professional to provide to the School Operations Manager and the Trust HR Team as soon as possible. The fit note should cover each day of absence and, if multiple fit notes are issued, they should be given to the School Operations Manager with a brief explanation of their absence, the condition and, if known, their expected return to work date or next medical appointment.

The Headteacher/Line Manager may act on the healthcare professional's advice after discussing the Fit Note considerations with the employee. In determining what action, the Headteacher/Line Manager are able to take, they will need to consider reviewing any appropriate risk assessments for the role or activities undertaken.

A fit note can be provided in writing or electronically and will advise one of two options

a. Not fit for work

The Healthcare professional will assess the employee, if the employee has a health condition that prevents them from working for a stated period of time.

b. May be fit for work taking account of the following advice

The Healthcare professional will assess the employee, their condition does not necessarily stop them from returning to work. For example, they could return to work but may not be able to complete all of their normal duties, or could benefit from amended times of working. The Employee should inform their Line Manager immediately. The Trust shall discuss with the employee whether there are any additional measures that may be needed to facilitate the employees return to work, taking into account the Doctor's advice. If appropriate measures cannot be taken, the employee will remain on sick leave and the Trust will set a date to review the situation.

These are common ways to help someone with a health condition return to work:

<p><b>Phased return to work</b> A healthcare professional will recommend this where they believe that your employee may benefit from a gradual return to work</p>	<p>For example: An employee following an operation could return to work on reduced hours, gradually increasing to their normal hours over an agreed period of time</p>
<p><b>Altered hours</b> A healthcare professional will recommend this where they believe that your employee will benefit from a change to the hours that they work, in order for them to return to work. This does not necessarily mean working fewer hours.</p>	<p>For example: Allowing more flexible hours could support someone who is still receiving treatment to return to work if their duties are amended to consider their condition.</p>
<p><b>Amended duties</b> A healthcare professional will recommend this where they believe your employee may be able to return to work if their duties are amended to consider their condition.</p>	<p>For example: Controlling, reducing or removing a more pressured part of a job role (such as dealing with complaints), could help someone off work with stress to return to work.</p>
<p><b>Workplace adaptations</b> A healthcare professional will recommend this where they believe your employee may be able to return to work if their workplace is adapted to consider their condition.</p>	<p>For example: A ground floor workstation for an individual who has problems going up and down stairs (this may occur in cases of arthritis for example). Arranging for a parking space near the entrance to the workplace, could help someone who has reduced mobility post-surgery return to work.</p>
<p><b>Redeployment</b> Process of securing suitable alternative employment for an employee. This is usually</p>	<p>Redeployees have the right to be considered preferentially for posts and will not be unfairly denied a suitable alternative post.</p>

<p>when it is identified they will be displaced, usually at a stated future date, from their post as a result of organisational change, or, following application of formal processes relating to capability, whether due to ill-health or performance, or, in advance of the nonrenewal of a fixed term contract upon expiry.</p>	<p>Jobs will be assessed for potential suitability for staff with priority based upon the essential criteria listed in the person specification. In cases where potential suitability is initially unclear, the Redeployee should always be given the opportunity to demonstrate their suitability.</p>
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### Adjustments to employee's work

The Trust will send a letter confirming the discussion and any agreed adjustments that will be put in place, how long the employee is expected to last for, and set a date for a review of measures. The changes should be temporary and should not be considered permanent changes to the terms and conditions, unless otherwise agreed.

A review will be arranged before the end of the adjustment period to assess their continued suitability against the employee's medical needs, and the needs of the Trust. It may be that any adjustments are continued, amended or stopped. A discussion will take place with the employee to confirm this.

### Phased Return

Should a phased return be recommended by a medical professional, or if the Trust deems it to be appropriate to help the employee settle back into work, this will be discussed with the employee. A plan will be put in place as to how the return will be managed, and review dates will be set with a view to build the employee back to their full duties and hours.

The Trust will confirm in writing the employee's return to work plan. This should not be seen as a change to the employee's terms and conditions and may be subject to change depending on the employee's medical needs or the needs of the business and school.

### Access to Medical Reports

The Trust may need to request a copy of the employee's medical reports or medical records to assist in the assessment of the employee's medical condition. The employee's consent, in line with requirements under the Access to Medical Reports Act 1988, will be obtained prior to the Trust contacting an employee's GP and the employee is entitled to see a copy of the documentation provided. In line with data protection legislation, the employee will also be given details on the reason for the examination, what the Trust intends to do with the data obtained and the lawful basis for processing the data as per the Trusts Staff Privacy Notices and Records and Retention Policy (LT2-SP-008-E).

Should medical information be obtained by either route, the Trust will meet with the employee to discuss it. There may be changes required to the employee's work or the Trust processes as a result of the medical information obtained, in which case this will be discussed and agreed with the employee where the business/school requirements allow. Any outcomes will subsequently be provided to the employee in writing.



### Referrals to the Occupational Health Unit

The Trust may refer the employee to the Occupational Health Service at any point if they are concerned about the impact of the employee's health or their work attendance. For Example. The employee has had a number of periods of sickness absence for the same reason in a short period, or the employee's absence has become long term.

The Trust has access to an Occupational Health Service which provides an independent, impartial advisory service. They are responsible for the provision of clear medical advice to Headteachers/Line Managers about the individual cases referred to them and the Trust may use this to obtain expert medical advice:

- To provide appropriate support to employees.
- To aid decision-making in sickness absence cases.

The OHS advises on but does not make decisions about the employee's continuing employment, redeployment or future deployment.

Under the Access to Medical Reports Act 1988 the employee's consent is required to authorise their medical adviser to release medical information to the Occupational Health Service. Headteachers/Line Managers should obtain this when requesting employees to complete a consent form when the referral decision is taken. If the employee withholds their consent, then this will limit the services ability to give as full advice as possible. However, decisions will still be made in light of the advice obtained.

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

### Occupational Physicians Report

Following assessment, the Occupational Health Physician will provide a written report detailing their opinion and recommendations as appropriate. This may include:

- An opinion about fitness to work
- A prediction about the likelihood of a return to work
- An opinion about whether work factors or hazards have contributed to ill-health or absence and how these could be modified
- Recommendations about restrictions or modifications which could be made in job content or arrangement
- Advice about fitness for alternative duties
- Suggestions regarding help or support which could be offered by the Trust or other agencies
- Advice about the necessity of further assessment or monitoring
- An opinion about whether or not the employee should be classified as disabled
- A referral to the stage 3 if the matter is sufficiently serious and the employee is unable to return to work within a reasonable timeframe, taking into account

service needs.

A copy of the written report will be provided to the employee by OHS

## 7. Support During Sickness Absence

### Sickness Pay Entitlements

Sick pay will include, where appropriate, Statutory Sick Pay (SSP), and will not exceed full pay.

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

Provided that employees have followed the correct procedures, they will be entitled to receive an allowance in accordance with the following scales based on the date of the first day of absence:

#### Sick Pay Entitlement for Teachers

Within any span of 12 months, commencing 1st September each year, a teacher may receive an occupational sickness allowance in accordance with:

During 1st year of Service	Full pay for 25 working days and, after completing 4 calendar months' service, half pay for 50 working days
During 2nd year of Service	Full pay for 50 working days and half pay for 50 working days
During 3rd year of Service	Full pay for 75 working days and half pay for 75 working days
During 4th and subsequent years	Full pay for 100 working days and half pay for 100 working days

#### Sick Pay Entitlement for Support Staff

Within any span of 12 months, the employee may receive an occupational sickness allowance in accordance with:

During 1st year of Service	1 month's full pay and, after completing 4 months' service, 2 months' half pay
During 2nd year of Service	2 months' full pay and 2 months' half pay
During 3rd year of Service	4 months' full pay and 4 months' half pay

During 4th and 5th year of Service	5 months' full pay and 5 months' half pay
After 5 years	6 months' full pay and 6 months' half pay

Where staff are ill immediately preceding the school holiday and:

- Are on full sick pay they will continue on full sick pay, but the closure period is not counted against their entitlement. Or;
- Are on half sick pay; they will continue on half sick pay, but the closure period is not counted against their entitlement. Or;
- Have exhausted sick pay entitlement and are not receiving any pay this will continue
- When staff have been ill immediately preceding a Trust closure period and their doctor declares them fit to return to work during that period, they will receive full pay from that date, provided they return to work on the first day after that period of closure
- The exception to this is if the staff member is declared unfit again so that they are unable to start the next term at work

#### Calculation of Sick Leave and Sick Pay

For the purpose of calculating entitlement to sick leave, the year shall be deemed to begin on 1st September of each year and end on 31st August of the following year. In the case of a teacher whose service commences on a date other than 1st September, such service shall be deemed, for the purpose of this scheme, to have commenced on the preceding 1st September, subject to the completion of four calendar months' actual service before half-pay can be claimed. In the case of a teacher who is absent owing to illness on 31st August of any year, such a teacher shall not begin the new entitlement to sick leave in respect of the following year until they have resumed teaching duties, the period from 1st September until the return to duties being deemed to be part of the preceding year for the purpose of this scheme. In the case of a teacher transferring from another LT2 school, any sick pay paid during the current year by the previous school shall be taken into account in calculating the amount and duration of sick pay payable by the Trust.

Whilst sickness during Trust holidays will not affect the period of entitlement to sick leave, where employees become ill during the school closure, they must report this sickness in the usual way, so that SSP can be paid where applicable.

Sick pay will be paid less any SSP or state benefits to which employees may be entitled as a result of their sickness, whether or not they have taken the necessary steps to obtain them.

In the event of employees being given notice of the termination of their contract without returning to work, on the ground of permanent incapacity or for some other reason, they will receive full pay for the notice period with deductions as set out above.

If the Trust is of the opinion that the disability which has caused the employee absence from work is due to their own misconduct or have been guilty of conduct prejudicial to their recovery, the payment of any sick pay under the scheme may be suspended by The Trust. Employees will be told the reason for this and have a right of appeal.

Sick pay shall not be paid in the case of an accident due to active participation in sport as a profession unless the Trust by resolution decides otherwise, though SSP may be payable.

### Welfare Meeting

The purposes of a welfare meeting will be to discuss the reasons for the employee's absence, how long it is likely to continue, whether it is likely to recur, whether to obtain a medical report, and whether there are any measures that could improve their health and/or attendance. Such a meeting will usually be arranged by the Line Manager after a continuous period of 4 or more weeks absence; however, this can be arranged sooner if either party consider it beneficial to do so. The Line Manager will discuss with the employee:

- The reason for their absence
- The anticipated duration of their absence
- The treatment and care they are receiving
- Whether it is necessary for the Trust to consider taking reasonable measures to facilitate their return to work
- Whether medical evidence is required to assess their fitness to return to work and if any changes are necessary to assist them, having regard to any Return-to-Work plan advised by Occupational Health or Healthcare Professional.
- If their continued absence may lead to a formal absence review
- A timescale for review

The aim of the welfare meeting does not replace the formal absence review meeting, where an Absence Trigger has been met but provide an opportunity to support the employee. Therefore, an Absence Trigger has been met a formal absence review meeting will also be arranged. Where possible 5 working days' notice will be given in writing to the employee convened by an email.

The meeting will be to seek to agree a return-to-work program, to either undertake or review a Stress/General Risk Assessment (LT2-RA-001-I), to discuss any support or reasonable adjustments, to understand the prognosis and position of health in long-term sickness absence cases and/or inform an occupational health referral. Consideration will be given to the above discussions to determine whether such a program can be agreed, and if so, the various aspects of that program, for example, a return-to-work date, the support measures that the Trust can put in place on a temporary or permanent basis and any dates for review which may be appropriate.

The location of these meetings will usually be at the employee's usual place of work but, if a virtual meeting or home visit is necessary due to the nature of the employee's absence, this can be accommodated.

The outcome will be communicated in writing to the employee by email and the Trust HR Team should be notified of all correspondence.

### **Disability Discrimination – Reasonable Adjustments**

An employee has a disability within the meaning of the Equality Act 2010 if they have a physical or mental impairment, which has a substantial and long-term adverse effect on their ability to carry out normal day- to-day activities. Long term means that the condition must last, or is likely to last, for at least 12 months, or it is likely to last for the rest of the life of the person affected.

The School Leadership Teams will consider and remain sensitive to the possibility that an employee's period of sickness may be caused by a disability. This is particularly true in respect of possible psychiatric conditions including depression, which may result in repeated periods of absence (combined possibly with poor work as a result of lack of concentration etc.).

The Trust have a statutory obligation to make reasonable adjustments for employees who have a disability. If the employee cannot perform the main functions of the job because of the disability or they are not meeting the Trusts' standards, the Trust will follow a capability or performance procedure to investigate. When all reasonable adjustments have been explored, an employee can be dismissed, following a Consideration of Dismissal Hearing

The Trust may also adjust the process where appropriate to accommodate the employee's disability with any of the following;

- Trigger points may be adjusted
- Meetings may be held off-site or by telephone
- While no right to accompaniment applies at the informal stage of the process, the Trust may extend this right in appropriate circumstances
- Employee's may be permitted to bring a companion who is not a work colleague or union representative (for example, a family member) where this will help overcome particular difficulties caused by a disability; or
- The Trust may, in appropriate circumstances, elect not to impose disciplinary warnings in relation to disability related absence.

Reasonable adjustments will be considered at each stage of the absence management process.

If the employee considers that they are affected by a disability or any medical condition which affects their ability to undertake their work, the employee should inform their Line Manager.

### **Underlying Medical Conditions and Reasonable Adjustments**

The nature of the reasonable adjustments will depend on the circumstances of each case. Where no reasonable adjustment would overcome a particular disability and enable the employee to continue in their existing role, reasonable adjustments can include the redeployment of the employee to an alternative post. Reasonable adjustments can also include provisions made to assist a gradual return to the full contracted hours (phased return

to work) or a change to part-time hours. Reasonable adjustments recommended by Occupational Health will also be considered.

Whilst sickness absences related to a condition under the Equality Act 2010 are counted towards triggers, it should nevertheless be distinguished from other sickness absences.

### **Retaining / Rehabilitation**

Dependent upon the nature of the illness or disability, re-training or rehabilitation will be investigated in conjunction with Occupational Health. Support is available for employees who require necessary specialist equipment due to a disability and to assist them to carry out their duties.

### **Phased Return to Work**

A phased return to work may be advised by Occupational Health or Healthcare Professional to facilitate recovery and rehabilitation back into the work place, following a period of sickness absence. Enabling the employee to work reduced hours for a fixed period of time. Health Physicians will provide advice on the suggested phased return relevant to the employee and how this should be structured, including the number of hours, working pattern and the duration of the phased return.

Where an employee returns to work on a part time basis with the expectation that they will be able to work their full contractual hours within a reasonable period of time, the following arrangements will be made in relation to pay:

- Where the employee has exhausted sick pay, the salary payment made will be based on the number of hours worked.
- Where the employee has not exhausted sick pay, the employee will be paid in accordance with the number of hours worked, or the occupational and/or statutory sick pay entitlement would be payable if the employee remained sick, whichever is the greater amount.
- If the employee remains on phased hours after 4 weeks, salary payments will be based on the number of hours worked.

A phased return to work will be monitored and managed by both the Headteacher/ Line Manager and Occupational Health, and should last no longer than 4 weeks or more based on individual needs and circumstances if agreed with the Line Manager/Trust HR. If it becomes evident that the employee is unable to return to their normal contracted hours after a period of 4 weeks, the Headteacher/Line Manager will meet with the employee to discuss whether the school is able to continue to support the request (either from the employee or through an Occupational Health recommendation) to work reduced hours taking into consideration the needs of the school, the reasons presented by the employee, any reasonable adjustments that have been requested particularly in relation to legal obligations under the Equality Act 2010.

Where the phased return continues beyond the agreed period, advice should be sought from the Trust HR Team

If, following the discussion with the employee, the school is able to support the request to continue the reduced hours, the Headteacher/Line Manager will advise the employee that this will require a contractual change in hours to be implemented and the implications of the contractual change e.g. pro rata salary and, where applicable, annual leave. Appropriate notification should be sent to the School Operations Manager.

If, following the discussion with the employee, the school is unable to support the request to continue the reduced hours, the Headteacher/Line Manager must be clear about; why the school cannot support the request, what may have been offered as an alternative to the employee (if anything), and any reasonable adjustments that may have been offered (even if declined by the employee). Advice must be sought in such cases from the Trust HR Team and a referral to Occupational Health may be pursued to obtain advice about whether ill-health redeployment may be appropriate.

### **Sickness Absence Leave**

While it is recognised that during a period of sickness absence, time away from home for example going on holiday or visiting family may be therapeutically helpful, the employee is required to seek prior approval from the Trust. A decision to take time away from home during a period of sick leave without giving prior notice to the Trust may result in a loss of the employee's Occupational Sick Pay during that period. If the employee has remaining holiday entitlement, the employee has the option to take annual leave.

Please note that the requirements in the employee's contract regarding requesting annual leave will continue to apply during any period of sickness absence.

## **8. Return to Work**

Return to work discussions enable the Trust to confirm the details of the employee's absence. The Headteacher/Line Manager will contact the employee as soon as possible following every return from sickness absence, which will take place on the day of the return to work or shortly thereafter. The return-to-work discussion will be completed using the Return-to-Work Interview Form (LT2-FO-007-I). This will take the form of a structured meeting called Return to Work Discussion.

If there is a concern about the pattern of absence or health, this should be raised informally with the employee at the earliest opportunity and will be asked about the illness and recovery. The employee will also be asked to complete a self-certification form (LT2-FO-006-I) for the first 7 days of illness. No matter how short the period of sickness, it must be covered by the self-certification and/or Doctors Fit Note.

The Headteacher/Line Manager must sign the completed Return to Work interview Form (LT2-FO-007-I). The employee may add additional comments to also have the opportunity to raise any concerns or questions they might have and to bring any relevant matters to attention. The employee will sign to confirm that they have received a copy of the record. The signed form must be placed on the employee's personnel file as this may need to be referred to in the future.

### Where Short Term intermittent absence is a concern:

Managers may require employees to produce a statement of fitness to work for each period of absence. If agreed in advance by the Headteacher, reasonable costs may be incurred by the employee for doing so will be reimbursed upon production of a receipt.

### Where long-term absence is a concern:

A Return-to-Work discussion will be undertaken prior to the return-to-work date. The purpose of this is to ensure that any support and/or reasonable adjustment can be determined in readiness for the employees return to work. This can also help alleviate any barriers the employee may be experiencing. The Return-to-Work discussion may take considerably longer than a short-term absence, sufficient time will therefore be acknowledged having considered relevant circumstances.

The Return-to-Work discussion provides an opportunity for the Headteacher/Line Manager to:

- Welcome the employee back to work;
- Enquire after the employee's health; give the employee an opportunity to draw attention to any particular problems, work related or not, which may affect their attendance;
- Establish whether the employee is fully recovered, whether any reasonable adjustments are required and to ensure that all details pertaining to the absence are recorded accurately.
- Offer appropriate help and support e.g. access to counselling, workload adjustments where appropriate;
- Update the employee on any developments at work during their absence;
- Review the employee's absence record over the 12-month rolling year period and advise the employee where they are within the procedure (identify whether the triggers have been breached);
- Review options for employees who might have been absent due to reasons associated with disability within the meaning of the Equality Act 2010

## 9. Managing Sickness Absence

### Trigger Points

The purpose of the Trust specifying trigger points is to enable the Line Manager to take prompt action to deal with absence, alert employee's that their level of absence is causing concern and identify potential problems and to deal with them effectively before they escalate.

It is not always necessary for a trigger point to be reached before action is taken. The Line Manager may take action at any time, (for example, referring the employee to Occupational Health) if they have concerns about underlying cause of sickness and/or there is a significant impact on the service.



Only one of the triggers needs to be reached for the Line Manager to be required to review the employee's sickness records.

The Absence triggers are as follows:

Trigger Points	Action
<ul style="list-style-type: none"> <li>• Either five or more working days absence in the preceding 12 months.</li> <li>• Three or more absences of whatever length within the preceding three months</li> <li>• Any pattern of part day absences, absences on certain days (e.g. Mondays or Fridays) or known "busy" days</li> <li>• Above average absence levels for the Trust</li> <li>• No adequate reason given for the absence</li> </ul>	Initiate a First Absence Review meeting* Line Manager/ Headteacher/ Trust HR Team
<p><b>Short Term Absence:</b></p> <ul style="list-style-type: none"> <li>• Failure to meet targets set at Stage 1 meeting.</li> </ul> <p><b>Long Term Absence:</b></p> <ul style="list-style-type: none"> <li>• If employee does not have a date to return to work at the end of the review period or the employee hasn't met the required targets for improvement.</li> </ul>	Initiate a First Absence Review meeting* Line Manager/ Headteacher/ Trust HR Team
<p><b>Short Term Absence:</b></p> <ul style="list-style-type: none"> <li>• Failure to meet targets set at Stage 2 meeting.</li> </ul> <p><b>Long Term Absence:</b></p> <ul style="list-style-type: none"> <li>• If employee does not have a date to return to work at the end of the review period.</li> </ul>	Initiate a First Absence Review meeting* Line Manager/ Headteacher/ Trust HR Team

### Absence Meetings

Meetings under this policy will be arranged during the employee's normal working hours, and therefore the employee should be available to attend, and must take all reasonable step to do so. Failure to do so without good reason may be treated as misconduct. The following applies to all formal meetings:

- The Trust will give the employee at least three days written notice of meetings. The notice will confirm the time, date, place of meeting and the reason for it being held.
- The outcomes of the formal meetings and reviews will be confirmed in writing

- Meetings will be conducted by the Line Manager or more senior leader
- All employees will have the right to be accompanied by a work colleague or an accredited trade union official at any of the following meetings:

<b>Short Term Intermittent Absences</b>	<b>Long Term Sickness Absence</b>
First Absence Review Meeting	Formal Absence Review Meetings
Second Absence Review Meeting	Consideration of Dismissal Hearing
Final Absence Review Meeting	Appeal Hearing
Consideration of Dismissal Hearing	
Appeal Hearings	

If the meeting is one at which the employee is entitled to be accompanied, and the companion is unavailable to attend at the time specified, the employee should immediately inform the Line Manager who will seek to agree an alternative time within a reasonable period (normally 5 working days). If this is not possible, the employee would be expected to find an alternative companion.

- Being signed off by a GP as unfit to work does not mean that the employee is unfit to attend a meeting. Unless the nature of the employee's ill-health is such that they are unable to, the employee would normally be expected to attend.
- A meeting may be adjourned if the Line Manager is awaiting receipt of information, needs to gather any further information or consider matters discussed at a previous meeting. The employee will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.
- Confirmation will be given to the employee in writing as soon as reasonably practicable following a sickness absence meeting of: -
  - The Issues discussed
  - Any decisions made or actions agreed at a meeting
  - The reasons for such
  - Any measures or support agreed
  - The consequences of failure to improve
  - Any right of appeal

### **Short-Term Intermittent Absence**

The following paragraphs set out our procedure for dealing with short-term intermittent absences. When considering the absence levels of any employee, the Trust will have regard for both sickness and non-sickness related reasons. The purpose of the procedure is to investigate and discuss the reasons for the employee's absence. Consideration will also be given to whether these short-term intermittent absences are likely to continue and whether there are any measures that could improve the employee's health and/or attendance. The Trust may decide that medical evidence is required before deciding on a course of action. The Trust will also give serious consideration to the impact that the employee's absences are

having on the students, colleagues and the wider school community as a whole and will give consideration as to how to reduce any such impact whether, as a result of any impact, the employee's level of absence can be sustained by the Trust.

### **Stage 1 -First Absence Review**

When the employee meets a trigger point or the Trust otherwise considers that the employee's absence level is a cause for concern, the employee may be asked to attend a First Absence Review Meeting with their Line Manager.

A First Absence Review Meeting Invite Letter (LT2-CO-012-I) will state the basis for the Trust's concerns about the employee's absence levels and the reason for the meeting being organised. A reasonable opportunity for the employee to consider this information before a meeting will be provided.

The purpose of the First Absence review meeting will be discussing the reasons for the employee's absences, whether further absences are likely to occur and whether there is a medical link between the reasons for absences, which may result in the Trust benefiting from obtaining a medical report, and whether there are any measures that could improve the employee's health and/or attendance.

Notes of the meeting will be written by the Headteacher/Line Manager on the Sickness Absence Meeting Notes Form (LT2-FO-008-I).

We will discuss with the employee:

- To provide the employee with an opportunity to explain their sickness absence.
- The anticipated duration of any further absences
- The treatment and care they have received
- Any medication taken and any expected side effects
- Whether it is necessary for the Trust to consider taking reasonable measures to assist the employee in the workplace, including job modifications, minimize the occurrence of repeated absences or work changes to support the employee's effective return to work, where feasible.
- Whether medical evidence is required to assess the employee's fitness and if any changes are necessary to assist them;
- Consideration of a referral to Occupational Health, for advice as to the fitness of the employee to carry out their duties and/or reasonable adjustments
- Consider services that might assist the employee such as the services available from the Employee Assistant programme where appropriate.
- What improvement is required in the employee's attendance pattern
- Targets to improve the employee's attendance, if necessary, over a set period of time known as 'Review Periods'

### **Stage 1 -First Absence Outcome of Meeting**

Review periods may be used to monitor absence formally during a set period of time. The length of this time will be determined in the First Absence Review Meeting and targets will be set in order to see improvements; an Outcome of the Meeting Letter (LT2-CO-013-I) will be sent to the employee within 5 working days confirming the discussions. The employee's absence will be monitored during this period by their Line Manager or Headteacher. If during or at the end of the review period, the required improvement has not been made or further concerns arise then the Trust may decide to move straight to the Final Absence Review Meeting

If the employee meets their attendance target during the review period set as the First absence Review meeting, the Trust will arrange a meeting with the employee to discuss this at the end of that review period and the procedure may be brought to an end. However, the above trigger points will continue to apply and if the employee reaches another trigger point the Trust may decide to recommence this procedure at this stage, to Second Absence Review Meeting.

### **Stage 2 -Second Absence Review Meeting**

If the employee has been unable to meet their attendance targets during the review period set at the First Absence Review Meeting, they will be invited to a Second Absence Review Meeting. A Second Absence Review Meeting Invite Letter (LT2-CO-014-I) will state the purposes of the meeting, to review the discussions from the First Absence Review Meeting and consider why further absences were required.

Stage 2 meetings should be tailored to the individual case, ensuring that all of the concerns are addressed. Notes of the meeting will be written by the Headteacher/Line Manager on the Sickness Absence Meeting Notes Form (LT2-FO-008-I).

We will discuss with the employee:

- The reasons for and impact of their on the students, colleagues and the wider school community as a whole, and what support they believe the Trust could offer to reduce the impact of their absences;
- If they have met the targets set in the First Absence Review Meeting
- The Anticipated likelihood and duration of any further absences
- Consider any available medical evidence or whether medical evidence is required
- Any measures which were put in place following the First Absence Review meeting to assist them in the workplace to minimise the occurrence of repeated absences, and why those measures may not have been successful, and whether alternative measures could be put in place that could improve their health and/or attendance. This may include consideration of adjustments that can reasonably be made to assist the employee in their current role, or any possible redeployment opportunities.
- Their ability to remain in their job in view of their capabilities and the Trust's operational needs
- Actions that will be taken and a time-scale for review and/or a further meeting

### Stage 2 -Second Absence Outcome Meeting

The purpose of the Second Absence Outcome Meeting is to decide whether it is necessary to progress to Final Absence Review Meeting of the procedure, or whether a further period of review would be appropriate in the circumstances. At the end of the Second Absence Review Meeting a review date will be agreed and in the case of short-term absence further targets for improvement will also be set. **An outcome of the meeting letter (LT2-CO-015-I)** will be sent to the employee within 5 working days confirming the discussions.

The employee will be advised that if their sickness absence levels do not improve and targets are not met a Final Absence Review meeting will be held. The Final Absence Review meeting will explore the situation and the likelihood of improved and sustained attendance, including the employee's capability to meet the requirements of their job. It will also be emphasised that this could potentially lead to their dismissal on the grounds of incapability. This may, depending on the steps that have already been taken and the nature of the absence(s), include a first written warning.

The employee can appeal against the decision to give a written warning so. If an appeal is upheld, a further review meeting will be set up and the procedure will be resumed at the Second Absence Review Meeting stage.

If the employee meets their attendance target during the review period set at the Second Absence Review meeting, the Trust will arrange a meeting with them to discuss this at the end of that review period and this procedure may be brought to an end. However, the above trigger points will continue to apply and if they reach another trigger point the Trust may decide to recommence this procedure at this stage, without repeating the First or Second Absence review meeting.

### Stage 3 -Absence Review Meeting

If the employee has been unable to meet their attendance targets during the review period set at the Second Absence Review meeting, will be essentially the same as the purpose of the Second Absence Review meeting, and the same issues may be discussed. **A Third Absence Review Meeting Invite Letter (LT2-CO-016-I)** will state the purposes of the meeting, to review the discussions from the Second Absence Review Meeting and consider why the absence at that stage did not improve attendance, including the employee's capability to meet the requirements of their job. However, depending on the steps that have already been taken and the nature of the absences, this may include a final written warning being issued. The employee will also be warned that a failure to meet the attendance targets set at the Final Absences Review meeting may place them at risk of dismissal.

Notes of the meeting will be written by the Headteacher/Line Manager on the **Sickness Absence Meeting Notes Form (LT2-FO-008-I)**.

### Stage 3 -Final Absence Outcome of Meeting

The outcome of the meeting will depend on the assessment by the Headteacher/Line Manager of the facts and circumstances of the case. The Trust HR Team may consider the following guidance in reaching a decision: It is important for the Trust HR Team to consider the nature of the employee's illness and the medical prognosis.

For the employees with short term absences and the Second Absence review Meeting, the employee would have been advised that the subsequent review period being set would be their final opportunity to improve their attendance; and that if the case was to reach the Final Absence Review Meeting, consideration will be given of dismissal.

**An outcome of the meeting letter (LT2-CO-017-I)** will be sent to the employee within 5 working days confirming the discussions.

The employee can appeal against the decision to give a written warning. Where an appeal is upheld, a further review meeting will be set up and the procedure will be resumed at the Final Absence Review meeting stage.

### **Consideration of Dismissal Hearing**

If the employee has been unable to meet their attendance targets during the review period set at the Final Absence Review meeting, they will be invited to a Consideration of Dismissal Hearing which must be convened using the **Consideration of Dismissal Hearing Invite Letter (LT2-CO-018-I)**, without delay.

All documentation relating to the absence management process will be provided with the Consideration of Dismissal Hearing Invite Letter.

This will include:

- **Sickness Absence Management Report (LT2-FO-009-I)**
- Absences Record (Previous 2 Years)
- Self-Certification and Return to Work Forms
- Occupational Health Reports and/or other medical evidence
- Detailed sickness absence history from the previous two years
- All letters relating to Welfare Meetings
- All letters relating to Formal Absence Review Meetings
- Risk Assessments (if applicable)
- Any other relevant documentation used as a part of the absence management process.

Alternatively, in exceptional instances the Trust may receive clear Occupational Health advice that the likelihood of continued high absence levels means that the Trust would consider it appropriate to commence the process at the Consideration of Dismissal stage, without it being necessary to conduct the First, Second or Final Absence Review meetings.

**Consideration of Dismissal Hearing Format (Appendix 1)** will be used for guidance purposes only by the Trust, to determine how to manage any appeal hearing giving the individual circumstances of the case.

The purpose of the meeting will be:

- To review the meetings that have taken place and matters discussed with the employee

- To discuss the impact that the employee's absences are having on the students, colleagues and the wider school community as a whole, the steps the Trust has taken to reduce that impact and whether these steps can be maintained
- To consider whether there have been any changes since the last meeting under this policy, either as regards to likelihood of further periods of absence or opportunities for redeployment into a role which would be less impacted by the employee's absences than their current role
- To consider any further matters that the employee may wish to raise
- To consider whether there is a reasonable likelihood of the employee achieving the desired level of attendance in a reasonable time
- To consider whether the employee may be eligible for retirement on ill-health grounds
- To consider the possible termination of employment, having considered whether the employee's high absence levels can continue to be sustained by the Trust, taking account of the impact of those absences.

Any such consideration will be by the Line Manager. In case of proceedings involving the Headteacher, consideration will be by a panel of Trustees.

The grounds for consideration of dismissal will be that the employee is incapable of meeting the Trust's expectations regarding attendance levels and that their absences are having an unsustainable impact on the students and/or colleagues and/or the wider school community as a whole.

Any dismissal will be on notice or payment in lieu of notice.

The decision will be communicated in writing to the employee detailing the reason(s) for the dismissal using the Consideration of Dismissal Outcome Letter (LT2-CO-019-I).

The employee will have the right to appeal against any decision to terminate their employment. The date that any dismissal takes effect will not be delayed pending the outcome of any appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity or pay.

### Long-Term Sickness Absence

The Following paragraphs set out our procedure for dealing with long-term sickness absence. The purpose of the procedure is to investigate and discuss the reasons for the employee's absence, whether it is likely to continue or recur and whether there are any measures that could improve their health and/or attendance. The Trust may decide that medical evidence, or further medical evidence, is required before deciding on a course of action.

It is essential that the Trust HR Team/Line Manager maintains contact with employees on Long Term Sickness Absence. Regular meetings will take place with the employee and advice obtained from Occupational Health on the employee's fitness to undertake their duties and attend meetings.

In exceptional cases where the employee is not well enough to attend any meeting, the matter may be dealt with through correspondence or through the employee's representative. Alternatively, a home visit could be agreed.

For employees who are employed on a term-time basis, sickness absences which fall in school holidays will not be counted towards the triggers for action under this policy.

The Trust will be eager to get any employees on long term sickness absence back into the workplace as effectively as possible, but the employment may need to be terminated if this cannot be achieved.

Once the employee has exhausted their 28-week entitlement to statutory sick pay, or before, the employee's manager or someone from the Trust HR Team will discuss with the employee their likely return to work date and what work duties they may be able to fulfil. If necessary, the Trust will ask the employee's permission to approach their doctor or ask them to consult with a medical practitioner of the Trusts choosing, in order to determine the likely length of the absence and identify any reasonable adjustments. If it appears that a return to work in the near future is not reasonably practicable, the Trust will discuss the situation with the employee and it is possible that the employee's employment may be terminated under medical grounds.

The Trust will usually require employees who have been absent for one month or more, or are expected to be absent for one month or more, to return any property that belongs to the Trust that has an impact on continued operations of the schools i.e., keys.

### **Formal Absence Review Meeting**

If after a reasonable time, which would usually be discussed with the employee during the welfare meeting, they have not been able to return to work, the Headteacher/Line Manager will hold a Formal Absence Review meeting.

The purpose of the Formal Absence Review meetings will be to discuss the following: -

- To provide the employee with an opportunity to explain their sickness absence.
- The anticipated duration of their absence
- If it has not been obtained, whether medical evidence is required. If it has been obtained, the advice that has been given and whether further advice is required
- Whether it is necessary for the Trust to consider taking reasonable measures to facilitate their return to work, which may include consideration of adjustments that can reasonably be made to assist them in their current role, or any possible redeployment opportunities
- Their ability to return to their job in view of their capabilities and the Trust's operational needs
- Consideration of a referral to Occupational Health, for advice as to the fitness of the employee to carry out their duties and/or any reasonable adjustments.
- Consider services that might assist the employee such as the services available from the Employee Assistant Programme where appropriate



- Whether the Trust needs to notify the employee that they may be at risk of dismissal if they are unable to return to work within a reasonable timeframe
- Action that will be taken and a timescale for review and/or a further meeting

The number of Formal Absence Review meetings required for this process will largely be determined by the content of any medical evidence obtained, and the employee's personal circumstances. However, if it becomes clear that they will either be unable to return to work within a reasonable timeframe, or if they are no longer able to carry out their contracted duties and consideration has been given to any adjustments or possible redeployment opportunities without success, the Trust will arrange a Consideration of Dismissal Hearing.

If a return to work or normal duties within the time specified above is achieved the employee will be advised in writing and reminded of the need to sustain the improvement.

### Consideration of Dismissal Hearing

Where the employee has been notified that they are at risk of dismissal, and the situation has not changed significantly, The Trust will hold a Consideration of Dismissal Hearing to consider the possible termination of their employment.

Before the Trust make a decision, the employee will be consulted fully and we will consider any matters they wish to raise and whether there have been any changes since the last meeting.

Any such consideration will be made by the Headteacher/Line Manager. In the case of proceedings involving the Headteacher, consideration will be by a panel of Trustees.

The purposes of the hearing will be:

- To consider whether there have been any changes or developments since the last meeting under this policy, either as regards to their possible return to work or opportunities for return or redeployment
- To consider the most up to date medical evidence
- To consider any further matters that they wish to raise
- To consider the following options:
  - Whether there is a reasonable likelihood of them returning to work or achieving the desired level of attendance in a reasonable time
  - Where there are any reasonable options for redeployment on medical grounds (where redeployment is an option identified by Occupational Health)
  - Premature retirement
  - Whether there is reasonable cause for ill health retirement
  - Possible termination of their employment

In exceptional circumstances, such as new information becoming available, the panel may set a final review period of 3 working months (during which the employee's attendance will be

monitored on a monthly basis) and issue a final caution that employment is at risk unless a satisfactory improvement is made. If the required improvement is not met, the panel will reconvene to consider giving the employee notice of dismissal.

The grounds for consideration of dismissal will be that the employee is incapable of fulfilling their duties by reason of continued absence(s).

Any dismissal will be on notice or payment in lieu of notice except where the employee has exhausted their contractual sickness pay and they remain absent from work.

The employee will have the right to appeal against any decision to terminate their employment. This is detailed below.

### Appeals

The employee can appeal any written warning or decision to terminate their employment, within 10 working days of receiving written confirmation of such a decision, to the Trust Clerk setting out the grounds and basis for the appeal.

The Consideration of Dismissal Appeal Hearing Invite Letter (LT2-CO-020-I) will provide the employee with an opportunity to challenge the decision to dismiss them and to present any evidence or arguments that support their case. Appeals will usually be conducted and determined by a panel of three members of the Trust Board.

Consideration of Dismissal Appeal Hearing Format (Appendix 2) will be used for guidance purposes only by the Trust, to determine how to manage any appeal hearing giving the individual circumstances of the case.

Employees may appeal on the following grounds:

- The proper procedure was not followed and the appeal panel will consider whether this materially affected the decision
- The decision reached was unreasonable considering the information provided
- New evidence has become available

The employee has the right to be accompanied by a work colleague or an accredited trade union official at any appeal meeting and will be given a full opportunity to state his or her case and put forward his or her version of events.

The appeal hearing will be minuted by a note taker and the employee will be supplied with a copy of the minutes as soon as is reasonably practicable after the hearing.

No decisions will be reached during the hearing itself. The Trust will need to consider all the evidence together with the representations the employee has made, and in some cases may need to carry out further investigations before a decision can be reached.

The Consideration of Dismissal Appeal Hearing Outcome Letter (LT2-CO-021-I) will outline the decision made by the Trust and provide the employee with any information they need to know regarding the future employment status, such as they will be reinstated or terminated from employment.

### Unauthorised Absence

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

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

If, at any time, the Line Manager considers that the employee has taken or is taking sickness absence when they are not unwell, the Line Manager may refer matters to be dealt with under our Disciplinary Procedure.

## 10.III-Health Retirement

Where the relevant employee is a member of the LGPS or the TPS, the Trust will consider ill-health retirement before making any recommendation for dismissal.

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

The Occupational Health Physician may provide an opinion about whether or not an individual meets the criteria for ill-health retirement. There may be employees who are on prolonged sick leave with no prospect of returning to work within a foreseeable date but who do not meet the criterion of permanent incapacity. (The Occupational Health Physician will follow guidance developed by the Association of Local Authority Medical Advisers on Ill-Health Retirement).

If ill-health retirement is confirmed by Occupational Health the Line Manager will confirm the decision in writing.

### Teachers

The Teachers' Pension Scheme allows the ill health retirement process to be instigated by the teacher themselves. Teachers who may be eligible to apply for ill health retirement should initially advise their Line Manager of their situation.

A teacher who contributes to the Teachers' Pension Scheme is able voluntarily, at any age, to apply to the Teachers' Pensions for an infirmity benefit. The teacher will be notified by the Teachers' Pensions whether infirmity benefit will be granted. Following a decision by Teachers Pension Scheme the retirement will take effect as soon as possible.

### Ill-Health Dismissal

This process would be considered if the employee is unable to carry out their current duties and there are no suitable alternative roles identified within the Trust.

Prior to considering dismissal, the Trust will:

- Discuss the process with the employee
- Obtain medical opinion
- Consider any adaptations that can be made to their current role in line with the requirement to make reasonable adjustments under the Equality Act
- Consider any other suitable roles in the Trust.

## **11. Terminal Illness**

There is a need to consider the individual's circumstances and their continued employment in a sensitive and compassionate way. Advice should be sought from the Trust HR Team on the issue of continued employment and the details of pension benefits for any spouse/partner and dependents. It is important to consult with the employee about their wishes and also to be in a position to provide them with information on the options available. In cases of terminal illness, arrangements should be made to nominate a linked person with the employee, so that appropriate contact can be maintained.

## **12. Data Protection**

All personal data obtained during sickness absence procedures will be handled with the utmost integrity and confidentiality and in line with our data protection policy. Employees may be reminded of the types of data the Trust holds, including data on health, and our practices in relation to that data by reviewing the Trust's privacy notice which is available on the Trust's intranet.

## 13. Appendices

<b>Appendix 1</b>	Consideration of Dismissal Hearing Format
<b>Appendix 2</b>	Consideration of Dismissal Appeal Hearing Format

## Appendix 1 – Consideration of Dismissal Hearing Format

This document is for guidance purposes only. It is recognised that the Line Manager will need to determine how best to manage any Hearing given the individual circumstances of the case.

### Introductions

- Welcome and introductions
- Request that all attendees turn off any electronic devices to avoid unnecessary interruptions during the meeting and advise that the Trust does not allow recording of meetings
- Check whether the participants are happy with use of first names.
- Confirm with the employee that they have received the letter notifying them of the Hearing and associated documentation
- Confirm with the employee that they understand that it is a formal Hearing and will be conducted in accordance with the Trust's Managing Sickness and Absence Policy.
- Confirm receipt of any other documentation/information provided by the employee
- Where reasonable adjustments were required for the Hearing, check with the employee that these meet their needs

### Hearing Format

- The Line Manager will outline the management case from the Sickness Absence Management Report
- The employee and their representative will be given the opportunity to ask any questions in relation to the management case
- The employee or their representative will then be invited to state his/her case
- The Line Manager will be given the opportunity to ask questions in relation to the employee case
- The Line Manager will ask questions/seek clarification as necessary in relation to the management and employee cases
- The Line Manager will be given an opportunity to make a closing statement
- The employee will be given an opportunity to make a closing statement

### Adjournment and Decision

- Line Manager either adjourns or closes the Hearing to consider the case
- If the Line Manager is unable to make a decision on the day inform the employee that the outcome of the Hearing will be confirmed in writing within 5 working days, wherever possible
- When closing the Hearing, ensure that everyone understands what is going to happen

- Inform the employee of their right to appeal and to whom any such appeal should be addressed

#### **Keeping records**

- Record a summary of the discussions and outcome
- Ensure that the records are factual, unambiguous and constructive
- Store records securely in accordance with standard retention periods

## Appendix 2 - Consideration of Dismissal Appeal Hearing Format

This document is for guidance purposes only. It is recognised that the Line Manager will need to determine how best to manage any Appeal Hearing given the individual circumstances of the case.

### Introductions

- Welcome and introductions
- Request that all attendees turn off any electronic devices to avoid unnecessary interruptions during the meeting and advise that the Trust does not allow recording of meetings
- Check whether the participants are happy with use of first names.
- Confirm with the employee that they have received the letter notifying them of the Appeal Hearing
- Confirm with the employee that they understand that it is a formal Appeal Hearing and will be conducted in accordance with the Trust's Managing Sickness and Absence Policy.
- Confirm receipt of any other documentation/information provided by the employee
- Where reasonable adjustments were required for the Hearing, check with the employee that these meet their needs

### Appeal Hearing Format

- The employee or their representative will be invited to state their case and outline the grounds on which the Appeal is being made
- The Line Manager will ask questions/seek clarification as necessary in relation to the employee's Appeal
- The employee will be given an opportunity to make a closing statement

### Adjournment and Decision

- Line Manager either adjourns or closes the Appeal Hearing to consider the case
- If the Line Manager is unable to make a decision on the day inform the employee that the outcome of the Appeal Hearing will be confirmed in writing within 5 working days, wherever possible
- When closing the Appeal Hearing, ensure that everyone understands what is going to happen
- Inform the employee there is no further right of appeal

### Keeping records

- Record a summary of the discussions including any agreed actions and timescales for improvement



- Ensure that the records are factual, unambiguous and constructive
- Store records securely in accordance with standard retention periods