



# **ABSENCE MANAGEMENT / ATTENDANCE POLICY**

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## **1.Introduction**

- 1.1 The Middlesex Learning Partnership aims to deliver an efficient, cost effective and quality service to its students. The Trust believes that the participation and commitment of every employee in the activities of the Trust is vital in order to achieve an optimum level of service and that good attendance and punctuality is an essential factor in the achievement of the Trust objectives.
- 1.2 This policy has been developed consistent with the principles that the Middlesex Learning Partnership recognises that every employee is needed and that most absence is unavoidable. The Trust wishes to avoid creating alarm about the consequences of staying off work when ill and is concerned with the health, safety and welfare of all staff.
- 1.3 This policy applies to all employees within the Middlesex Learning Partnership. The purpose of the policy is to manage absence due to ill health. Absences for reasons other than ill-health eg domestic emergencies, Dependants Leave etc is dealt with under the Special Leave Policy.

## **2.Policy Statement**

- 2.1 The Middlesex Learning Partnership, through providing for the care and welfare of employees whilst managing attendance levels, and recognises that effective management of attendance will benefit all staff and contribute to the principal aim of providing an efficient, cost effective, high quality service of education within the Trust.
- 2.2 The Trust and Governors will ensure that the absence management/attendance policy is applied fairly and consistently.
- 2.3 Staff who are absent due to ill health will be approached in a sensitive and caring manner with due regard to confidentiality.
- 2.4 Wherever possible, assistance will be offered to help staff who are sick regain full health. Support, counselling and rehabilitation, where possible, will be offered to staff when recommended by the Occupational Health Service. Special assistance will be offered wherever reasonably practicable to staff with disabilities or special needs. When staff are found to be partially/permanently incapable of continuing with their duties due to ill health, the Trust will endeavour to offer redeployment for alternative work, subject to vacancies and suitability.
- 2.5 When all possible practical alternative options have been explored, the termination of service on grounds of ill health or incapability due to absence will be considered in line with this policy and the Statutory Dismissal Procedure.

### **3.Roles and Responsibilities**

#### **3.1 Employee's Responsibility**

The responsibility of each employee is to:

- attend work when fit to do so
- comply with the Trust's managing attendance reporting procedures, as defined below, both during their absence and upon their return to work
- ensure medical advice and treatment, where appropriate, is received at the earliest time in order to facilitate a return to work
- keep the designated person informed of any significant developments as defined under the policy's reporting procedures.
- provide a completed 'Sickness Self Certification' form after each period of sickness absence within 2 working days of returning to work.
- attend a 'return to work' meeting.
- provide a Doctor's certificate if the absence continues after seven consecutive calendar days.

#### **3.2 Head of School Responsibility**

The responsibility of the Head of School is to manage the attendance of employees of the Trust by:

- acting fairly and consistently in applying the appropriate procedures as set out in this policy.
- ensuring that accurate sickness records are maintained and absence returns are promptly completed, both for monitoring and sick pay purposes.
- establishing clear action plans for a member of staff where it is decided that action is justified and ensuring that these are clearly communicated to that member of staff.
- seeking advice from Trust HR/Schools HR as appropriate.

### **4. Punctuality**

It is expected that all members of staff be punctual at all times. In the morning teaching staff are required to be in school before the start of briefing, having ensured that their classroom is fully prepared for the lessons for that day.

Staff are also expected to be punctual to lessons. They should ensure they are outside the appropriate room at the start of the lesson. For lessons after break and lunch, staff should ensure they are outside the room at the beginning of the lesson before the bell rings to signify the end of lunch/break. This will ensure a prompt and efficient start to lessons.

In the morning non-teaching staff are required to be in school before the start of their contracted hours as agreed within their Contract of Employment

If there is a cause for concern with regard to timekeeping procedures, the Disciplinary Policy will be implemented.

## **5.Reporting Sickness Absence**

5.1 On the first day of absence:

- staff unable to attend school are responsible for ensuring that the school is contacted, either personally or should arrange for someone else to notify them on their behalf. The school should be contacted by telephone on the Cover Line before 7.00am.
- the school should be informed as to the reason for the absence and, where possible, the expected date of return.
- If the Head of School is absent, he or she should inform the Deputy Head Teacher who will inform the Executive Head as appropriate.
- If the absence is as a result of an injury at work, the designated person must be informed so that they can ensure that an accident report is completed and notify the designated person responsible for Health and Safety, if appropriate.
- If the absence is for longer than one day, a further message should be left on the Cover Line unless absence is for an extended period and contact has been made, clearly giving the length of absence.

5.2 On the fourth working day of absence:

- if absence is continuing after three days, in addition to leaving a message on the Cover Line, the Designated Person must be notified of the situation and informed whether contact has been made with a GP.
- If possible, some indication should be given as to the expected date of return to work.

5.3 After 7 calendar days absence:

- At this time, the Designated Person must be updated regarding the status of the sickness absence.
- A Doctor's 'Statement of Fitness for Work' form must be submitted to the Designated Person, as soon as possible. A copy should be retained by the employee for their personal records.
- The Doctor's 'Statement of Fitness for Work' should indicate the nature of the illness and the dates covered by the certificate.
- You must continue to submit 'Statement of Fitness for Work' to cover your continued absence.
- In cases where the first Doctor's 'Statement of Fitness for Work' covers a period exceeding fourteen days or where more than one statement is necessary, the employee should return to the Doctor's to secure a

statement of fitness to return to work. The member of staff should inform the Doctor of the type and nature of their duties.

- If sickness begins during a school holiday this would be recorded as being sick from the date of the Doctor's Medical Certificate.
- Staff admitted to a hospital or similar establishment must submit a Doctor's Medical Certificate to the Designated Person upon their discharge where a period of recuperation away from the workplace is required.
- Foreign medical certificates and other medical certificates will be dealt with on a case by case basis. The onus is on the employee to ensure that there are adequate details available to verify and contact the source. There is no guarantee that foreign certificates or other medical documents will be accepted.

#### 5.4 Failure to Notify Absence

If an employee fails to notify sickness absence or provide appropriate sickness certification, the Designated Person would seek to find out the reasons why the employee has not complied with the process. If a satisfactory explanation is given then no action need to be taken. However, if the Designated Person is not satisfied with the explanation, then this would be brought to the attention of the Head of School, disciplinary action may be taken. This could include stopping the employee's pay.

#### 5.5 On Returning to Work

Upon returning to work, a Sickness Self-Certification form must be completed by the employee detailing the reason for the absence. This form must be completed for absences between 1 and 7 calendar days. This form should be given to the Administrative Officer (see Appendix I). This form should be completed and returned within 2 working days of returning to work.

Failure to complete this form for each period of sickness absence within the 2 working day period will result in deduction of salary to cover the period of unexplained absence. It may also result in action consistent with the Disciplinary Policy and Procedure.

The Designated Person will conduct a Return to Work Meeting (see Appendix II). The Return to Work Meeting should be held during normal working hours, the meeting should be held as soon as possible on the employees return to work and within 5 working days of their return. The purpose of a Return to Work Meeting is to ascertain the reasons for absence, any issues regarding return to work and to confirm cumulative absence over the preceding 12 month period. It will also confirm whether levels of absenteeism have triggered this policy's attendance targets.

The Return to Work Meeting provides an opportunity for the Designated person 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
- Offer appropriate health 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 rolling 12 month period or within the fixed 12 month period (as appropriate); 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 a disability within the meaning of the Disability Discrimination Act

## **6. Confidentiality**

- 6.1 If, for reasons of confidentiality or sensitivity, an employee does not feel able to discuss details of their absence with the Designated Person, they may speak to an alternative member of the Leadership Group, Trust HR, a Governor, Occupational Health and/or Trade Union Representative who will raise the issue with the Designated Person on their behalf.
- 6.2 All sickness absence should be treated in a confidential manner with information only being shared on a need to know basis for the purposes of meeting service delivery requirements and to implement and monitor this policy.
- 6.3 All documentation will be kept on the employee's personal file. The information contained in these records will be disclosed to the Designated Person, Trust HR/ Schools HR and legal services and Occupational Health but to no-one else without the employee's express consent.

## **7 Initial Attendance Standards**

- 7.1 It is recognised that setting attendance standards is important to ensure consistency and fairness in dealing with ill health and absenteeism.
- 7.2 Failure to follow absence management procedures may result in salary being delayed or withheld (for unauthorised absence) and the Head of School taking disciplinary action for non-compliance in reporting absence procedures.
- 7.3 The Head of School and the Designated Person will monitor absence levels regularly. If an employee reaches the defined levels of absence detailed below, or a pattern of absence is identified, the Head of School will examine the reasons for the absences and will consider taking the appropriate action in line with this procedure.
- 7.4 If a Head of School reaches the defined levels of absence detailed, or a pattern of absence is identified, the Chair of Governors will examine reasons for the absences and will consider taking any action in line with the procedure.

### 7.5 Short Term Absence

The initial defined levels of Short-Term sickness absence that will prompt action in accordance with this procedure are as follows:

- 9 days or 4 periods of sickness absence within a rolling 12 month period

### 7.6 Long-Term Absence

The defined levels of Long-Term sickness absence that will prompt action in accordance with this procedure are as follows:-

- a continuous period of sickness absence of four calendar working weeks or more. Only working weeks should be counted towards the defined levels of Long-Term sickness absence.



For employees who are employed on a term-time only basis, sickness absences which fall in school holidays must not be counted towards the triggers for action. This will invariably apply to long-term absences rather than short-term absences. Any school holidays which fall in one continuous period of sickness absence should be discounted for the purposes of counting the number of days/weeks/months towards the triggers.

For staff employed on a variation to the Term-time only contract, any sickness falling during designated working weeks would need to be counted towards the triggers.

These triggers should be pro rata for part time employees and consideration should be given to adjusting triggers for employees with a disability. Pregnancy related absences should be discounted when calculating triggers.

## **8. Subsequent Attendance Standards and Review Periods**

Once an employee enters into the procedure they will be given a fixed review period, at the Sickness Absence Review Meetings, over which their attendance will be monitored against the set attendance standards, and any breaches of the attendance standards within the fixed review period will instigate the next stage of the procedure.

### **8.1 Short-Term Absences**

A fixed 12 month review period will be set. The fixed 12 month review period is defined as 12 months commencing the day after the First/Second Sickness Absence Review Meeting (Short-Term).

Attendance standard within the review period:  
- 9 days or 3 periods

If these triggers are breached within the 12 month fixed review period, then the Designated Person will progress to the next stage within the Procedure for Dealing with Short-Term Absence

### **8.2 Long-Term Absence**

Where the employee is on sickness absence at the time of the First/Second Sickness Absence Review Meetings, the review period will be 2 months from the date of the Sickness Absence Review Meeting.

Attendance standards within the review period:

- if the employee has not returned to work after 2 months from the date of the Sickness Absence Review Meeting the Designated Person will progress to the next stage within the Procedure for dealing with LongTerm Absence
- If the employee returns to work within the 2 month review period, then at the Return to Work Meeting a fixed 12 month review period will be set starting from the date of the employee's return to work

Attendance standards within the fixed 12 month review period:

- if the employee has a further period of a continuous absence of 4 working weeks or more the Designated Person will progress to the next stage within the Procedure for Dealing with Long-Term Absence

### 8.3 Reverting from Fixed to Rolling Review Period

At the end of the fixed 12 month review period, the monitoring of absences will revert to a rolling 12 month period and this can include counting back into the 12 month fixed review period which has just ended and include any sickness absences which may have occurred in this period. For example, if a fixed review period ended on 31 March 2015 and the employee is off sick for 1 day on 3 May 2015 then you would count back over a rolling 12 month period to see if they have triggered again with the rolling 12 month period having started from 3 May 2015 to 4<sup>th</sup> May 2014.

### 8.4 Overlapping Fixed 12 month Review Periods

Short-Term absence and Long-Term absence must be dealt with separately.

It is feasible that an employee will be affected by both processes at the same time and will have two different fixed 12 month review periods running concurrently. When referring to these periods, they should be clearly marked as short-term or long-term.

## 9 Intervening Sickness Absence

Where an employee is off sick in the period between their return to work and the date of the Sickness Absence Review Meeting, this absence will be considered at the meeting but will not count towards any subsequent triggers that are set at the meeting.

## 10 Linked Absences

When an employee returns from a day or period of sickness absence and within 7 calendar days goes sick for the same reason, the linked absences will be treated as one period of sickness absence. This must be confirmed at the Return to Work Meeting.

## 11 Occupational Health

11.1 Depending on the circumstances the Head of School or Executive Head, as appropriate, may at any time within this procedure (for short term or long term absence) recommend a referral to the Occupational Health provider to establish the employee's medical situation. In any event a referral should be made after 1 month of absence. Advice must be sought from Occupational Health prior to any action within the scope of the Contract Review Hearing stage.

Where the reason for an employee's sickness absence is given as stress/depression or some other mental health condition, whether work related or not, steps should be taken to immediately refer the employee to Occupational Health.

The employee's consent will be sought if the Occupational Health provider needs to contact the employee's doctor. The Occupational Health provider will establish the employee's medical position and fitness to undertake the duties of the employee's post and will provide the employee, school and Trust HR with any statement or report they produce.

The employee must notify the Head of School or Executive Head if s/he wishes to seek an independent medical opinion within 5 working days of being notified of the Occupational Health provider's statement or

report. The employee's independent medical report must be submitted within one calendar month to the Head of School or Chair of Governors.

An employee who unreasonably fails or refuses to attend an appointment with Occupational Health and fails to provide an acceptable reason for not attending will be subject to action under the Trust's Disciplinary Procedure.

## **12 Regular Contact**

- 12.1 Throughout this period the employee should be contacted regularly to get an update on their progress and recovery, to try and establish when a likely return to work might be and to inform them of any developments within the school. This should normally occur at least once a month. Consideration should be given to the employee's preference about the appropriate means of communication, which may include telephone communication and/or letter.

## **13 Mitigation**

- 13.1 There may be circumstances where the employee has triggered the second stage of the short-term absence procedure, where it would be reasonable to refer them back to Stage 1. Such a circumstance might be that absenteeism has been due to an industrial injury or that the employee has previously had an exemplary record of attendance. Evidence would need to substantiate such mitigation and in all such cases mitigation should be applied fairly and consistently to all employees. Advice should be sought from Trust HR/Schools HR if there is any doubt about referring back to Stage 1 of the process.

## **14 Pregnancy Related Sickness Absence**

- 14.1 An employee who is pregnant is afforded special protection under the Sex Discrimination Act against unfair treatment because of her pregnancy.
- It is unlawful to dismiss an employee for reasons connected with her pregnancy. Any pregnancy related sickness absence must be recorded separately from other sickness absence and will not count towards the triggers for action under this policy.
  - If there is uncertainty whether the reason for sickness absence is pregnancy related, advice should be sought from Occupational Health. Pregnancy related sickness absences will however still be subject to the process as described under Reporting Sickness Absence.
  - If the employee is absent due to a pregnancy related sickness at any time from the beginning of the 4<sup>th</sup> week before the stated expected week of childbirth, her maternity leave will automatically commence the day after her first day of absence.

Ongoing risk assessments for new and expectant mothers are important in identifying hazards in the workplace that could pose a health and safety risk, and inform appropriate action to remove or reduce the risk and consequently help reduce pregnancy related sickness absence.

## **15 Medical Appointments**

Medical appointments such as GP, dentist and optician should be taken in the employee's own time and, wherever possible, outside working hours.

Reasonable paid time off should be given for attendance for medical emergencies.

Reasonable paid time off should be given for hospital appointments as the employee has less control over the date and time when these are scheduled. The employee should be asked to produce evidence of the appointment in the form of a letter or appointment card from the hospital.

Paid time off must be given for an employee to attend appointments arranged by the Occupational Health Unit following a management referral.

If following a medical appointment, an employee is too ill to return to work that day, the resulting absence will be counted as a half-day sickness absence.

## **16 Phased Returns to Work**

Where an employee returns to work on a part-time basis following long-term sickness absence, with the expectation that they will be able to work their full contractual hours within a reasonable period of time, on medical advice provided by the Occupational Health doctor, 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 sick pay entitlement that would be payable if the employee remained sick, whichever is the greater amount
- if the employee remains on phased hours after three months, salary payments will be based on the number of hours worked

Where the phased return continues beyond a three month period, advice should be sought from Trust HR/Schools HR.

Further guidance on managing phased returns is given in Appendix XVIII

## **17 Terminal Illness**

Where an employee has a terminal prognosis the Designated Person should seek advice from the Trust HR/Schools HR at the earliest opportunity.

In some exceptional circumstances, where an employee is incapacitated and unable to engage with the process, there may be discretion in the operation of the policy. This discretion rests solely with the Governing Body.

The Designated Person needs to bear in mind that although such sickness absence is managed in much the same way as for other school employees there are some particular points that should be noted.

The Designated Person, in consultation with the Trust HR/Schools HR and the Occupational Health Unit, may use the formal review meetings to explore options with the employee in relation to entitlements to sick pay and leave, as well as the relative financial implications for the employee if they retire or die in service.

The Designated Person may wish to consider how to deal with a number of eventualities that may include:

- the employee may wish to continue attending work for as long as possible; a referral to Occupational Health will help to establish the employee's medical situation
- the employee may need extensive time away from work to undergo treatment or take a period of sickness absence
- the employee, though fit to attend work, may wish to take time off work
- the employee continuing in employment until their death
- the employee leaving employment and if eligible, receiving benefits from their pension

### **18 Disability Discrimination Act – Reasonable Adjustments**

Any employee has a disability within the meaning of the DDA 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 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 Line Manager/Designated person needs to consider and be 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.).

Employers have a statutory obligation to make reasonable adjustments for employees who have a disability. When all reasonable adjustments have been explored, an employee can be dismissed, following a Contract Review Hearing, if they can no longer perform the main functions of their job. Advice must be sought from the Trust HR/Schools HR.

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 provision made to assist a gradual return to the full contracted hours or, for example, a change to part-time hours. Reasonable adjustments recommended by Occupational Health will also need to be considered.

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

### **18 Special Leave for Staff**

- 18.1 Except in cases of serious urgency, no member of staff may, without previous permission, be absent from school for any reason other than personal illness.
- 18.2 If a member of staff requires special leave of absence, a Request for Absence/ Cover form should be completed outlining in detail the reason for the request; the form should be forwarded to the Designated Person.
- 18.3 Detailed information on Leave for staff contained within the Special Leave for Staff Policy

### **19. Links to other policies**

**This policy links to the following policies:**

- Special Leave Policy
- Capability procedure
- Staff code of conduct
- Staff disciplinary policy

**Appendix 1**

**Sickness Self Certification Form  
To be completed by the employee**

This form should be completed by employees **immediately** on returning to work after sickness absence. It should account for:

- (a) absence of up to seven calendar days
- (b) the first seven calendar days of any longer absence (even where a doctor’s certificate has been provided)

First name .....

Surname .....

Line Manager’s name .....

Department .....

I certify that I was unable to work due to sickness on:

First day of sickness\* .....

Last day of sickness\* .....

Actual date of return to work .....

*\* Include all non-working days including Saturdays, Sundays, School Holidays and Bank Holidays*

REASON

The reason for my absence was .....

.....

*Please give as detailed a reason for your absence as possible. This form will be returned to if you state either sickness or illness without further explanation.*

In accordance with our absence management policy your case may be referred to Occupational Health. If deemed necessary they may ask for your consent to contact your doctor for relevant medical information. If this is withheld a decision will be reached using the information available.

By submitting this form, you confirm that all the information you've given relating to this period of sickness absence is accurate. Giving false information intentionally may result in disciplinary action

Employee’s signature ..... Date .....

Line Manager’s signature ..... Date .....

IF ABSENCE IS DUE TO AN ACCIDENT AT WORK PLEASE ASK MEDICAL FOR THE RELEVANT FORM

**Once completed please send to your line manager for authorisation**

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***This form should be completed and taken to your Return To Work interview, then returned to the designated person***

Appendix II

## Statement of Fitness for Work

The Statement of Fitness for Work or 'fit note' is the new medical statement that GPs issue from 6<sup>th</sup> April 2010. It replaces the old 'sick note' and aims to focus on what the employee is able to do rather than what they cannot do.

Under the old sick note system, doctors could only advise their patient on whether their health condition meant that they should or should not work. As a result many people who could benefit from support whilst in work would be advised that they could not work. Their employer would not have had the opportunity to consider how they could help them achieve an earlier return to work.

The new 'fit note' enables the GP to indicate whether the employee:

- is not fit for work
- may be fit for work taking account of the following advice

The GP will be able to suggest four types of alterations, these are:

- a phased return to work
- altered hours
- amended duties
- workplace adaptations

The doctor will also provide written comments on the form offering a more detailed view of the kind of things that may help. For example, how the employee's condition will affect what they do and some of the things that could help the employee return to work.

The 'fit note' removes the requirement for a GP to say that a person is 'fit for work'. The GP will simply not issue a new medical statement.

The 'fit note' will still be required as evidence that the employee cannot work due to injury or illness from the 8<sup>th</sup> day of sickness absence as at present.

The 'fit note' will not impact on the current arrangements for payment of Statutory Sick Pay or Occupational Sick Pay.

Where the 'fit note' indicates that the employee is 'not fit for work', no further action would be required as with the old sick note system.

Where the 'fit note' indicates that the employee 'may be fit for work ....' and the suggested alterations do not include a phased return in respect of hours worked, consideration needs to be given to the following:

- examine the information that has been provided by the GP on the level of adjustments that are required to support an employee returning to work. A discussion with the employee may also be required.
- Make a reasonable judgment based on the facts. This should take account of the full requirements of the employee's contracted duties and any adverse impact this may have on meeting service needs. In essence, are the recommendations realistic to the requirements of the employee's role and service needs



- The information provided by the GP must be carefully considered with a view to supporting the employee's return to work
- If the GP has indicated temporary or permanent adjustments that significantly alter the way in which the employee's role is performed or is impractical to enable service needs to be met, advice should be sought from Trust HR/Schools HR.
- Following advice, there may be reason to refer the employee to Occupational Health to seek further medical advice. The referral form and relevant documentation should be accompanied with a detailed explanation of the implications of the GP advice and the management issues in response to this advice
- Any adjustments that are facilitated should be noted on file and for future reference
- If, after having taken advice, it is not possible to put in place the suggested alterations, the 'fit note' should be used as if the GP had advised the employee to be 'not fit for work'. The employee does not need to return to their GP for a new statement to confirm this until the duration of the existing statement has elapsed.

Where the 'fit note' indicates that the employee 'may be fit for work....' and the suggested alterations include a phased return in respect of hours worked:

- Refer the employee to Occupational Health before any phased return is put in place. The referral form should be accompanied by relevant documentation together with a detailed explanation of the implications of the GP advice and the management issues in response to this advice
- Any phased return will be in accordance with advice from Occupational Health, which will have taken into account the GPs advice given to the employee on the fit note.

**Sample Statement of Fitness for Work**

**Statement of Fitness for Work For Social Security or Statutory Sick Pay**

Patient's name:

I  assessed your case on:

And, because of the following condition(s)

I advise you that: you  are not fit for work

You may be fit for work taking account of advice:  the following

If available, and with your employer's agreement, you may benefit from:

<input type="checkbox"/> A phased return to work	<input type="checkbox"/> amended duties
<input type="checkbox"/> altered hours	<input type="checkbox"/> workplace adaptations

Comments including functional effects of your condition(s):

This will be the case for

Or from   to

I will / will not need to assess your fitness for work again at the end of this period. (Please delete as applicable)

Doctor's signature

Date of statement

/ /

Doctor's address

**Appendix III**

**Return to Work Meeting Record  
To be completed by the Designated Person**

**To be completed for Short-Term Absence**

Designated Person Responsibilities	Response (tick if no comment)	
Employee Name		
Welcome the employee back to work and inform them of any developments that may have occurred during their absence.		
Check that the employee has fully recovered and is capable of performing his or her duties. (Consider options to assist the return to work)		
Provide an opportunity for the employee to explain the circumstances of his or her absence and raise any on-going or underlying medical issues.		
You must confirm the dates of the sickness absence and the reasons for the absence, and ensure that the correct procedures for reporting and recording sickness absence were followed.		
Sickness Self Certification Form Completed? (If no, one should be completed at the meeting)	Yes	No
First working date of sickness absence		
Last working date of sickness absence		
First date resumed duties		
Total number of working days lost (short term only)		

Reason for absence confirmed as:		
Reporting procedures followed	YES	NO
If No, state reason		

For short-term absence:  
Review the employee's sickness absence record over the previous 12 months or since the start of any fixed 12 month review period (whichever is appropriate). Advise the employee of current position and whether triggers have been breached.

The Rolling 12 month or Fixed 12 month review period is

From (date) ..... To (date).....

During this period there has been the following short-term absence:  
..... Working days / .....Periods  
(including this absence)

Have triggers been breached:                      YES                      NO

If Yes, the following action to be taken as soon after their return as possible.

First Sickness Absence Review Meeting (short-term)\*

Second Sickness Absence Review Meeting (short-term)\*

Contract Review Hearing\*

\*To be held on: .....

**Only complete for Long-Term Absence**

For an employee who is returning from a period of long-term sickness absence you must set a 12 month review period from the date of his or her return to work and re-confirm triggers.

The fixed 12 month review period is:

From (date) ..... To (date) .....

If you have 4 weeks continuous sickness absence in the above review period, the following meeting will be held:

Second Sickness Absence Review Meeting (Long-term)

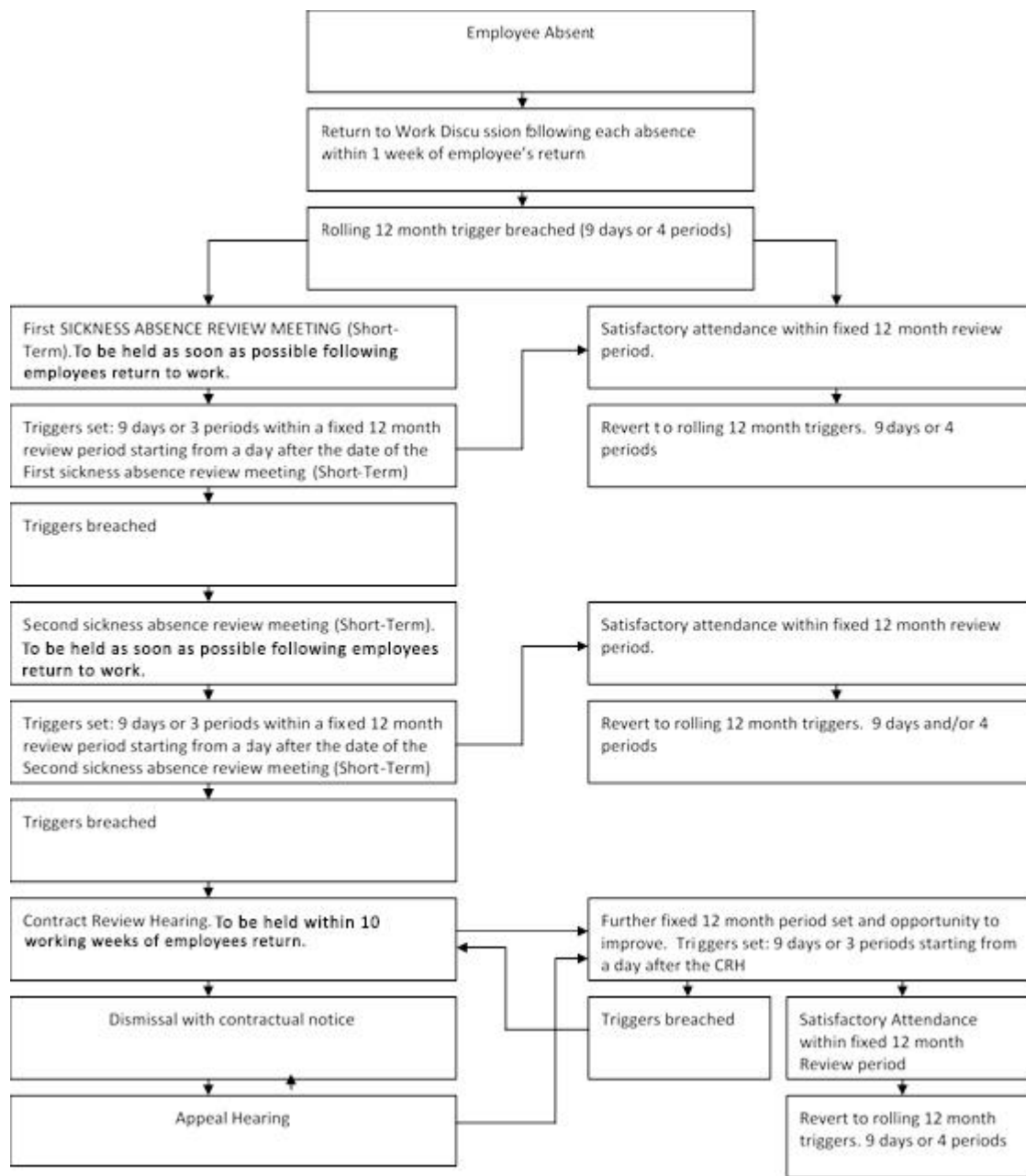
Contract Review Meeting

Designated Person Signature		Date	
I certify that this is a true record of the Return to Work Discussion and that I have received a copy			
Employee Signature			

The information contained in this form and record may be disclosed to Personnel Services, Legal Services, the Health and Safety Service, the Occupational Health Unit and the Designated Person who is responsible for monitoring sickness and absence within the school, consistent with the requirements of the Managing Attendance Policy and the Head of School, but no one else without your express consent.

**Appendix IV**

**Flow Chart  
Short-Term Absence**



## Appendix V

### Procedure for Dealing with Short-Term Absence

If an employee breaches the Short-Term Triggers within a rolling 12 month period, the designated person will record this on the Return to Work Meeting Record during the Return to Work meeting and inform the employee that a First Sickness Absence Review Meeting will be arranged.

Short-Term Triggers are:

- 9 days, or
- 4 periods of sickness absence over a rolling 12 month period

#### Stage 1 – First Sickness Absence Review Meeting (Short-Term)

The First Sickness Absence Review Meeting should take place as soon possible following the employees return to work

The employee will be given at least **5 working days'** written notice of the meeting. The letter will state the date, time and place of the meeting, the reason for the meeting, and the right to be accompanied by a trade union/staff association representative or work colleague. A copy of the Absence Management/ Attendance Policy is available on the shared drive.

At the First Sickness Absence Review Meeting (Short-Term), the Designated Person will:

- confirm the dates and period of sickness absence in the previous rolling 12 month period and ensure that records are up-to-date and accurate
- review the employee's sickness absence; explore any underlying causes, including any available medical evidence
- give the employee an opportunity to present any information regarding their sickness absence
- consider any options that might help the employee to reduce their levels of sickness absence. This might include a review of their working hours/type of work that they do, making the employee aware of the school's counselling service, if appropriate
- Advise the employee that whilst they have only reached the first stage of this procedure, they should be mindful that continuous breaches of the trigger levels can eventually lead to dismissal. □ Set the fixed 12 month review period and outline the triggers that are applicable

The fixed 12 month review period is defined as 12 months commencing the day after the First Sickness Absence Review Meeting (Short-Term). If during this period the employee breaches the triggers detailed below, the Designated Person will proceed to Stage 2 – Second Sickness Absence Review Meeting (Short-Term).

The triggers are:

- 9 days or 3 periods of sickness absence within the fixed 12 month period, commencing the day after the First Sickness Absence Review Meeting (Short-Term)

The outcome of the meeting will be confirmed in writing to the employee within **5 working days** of the First Sickness Absence Review Meeting (Short-Term)

If satisfactory attendance levels are maintained, there will be no further formal meetings under this procedure.

**Once an employee has cleared the 12 month fixed review period without any breaches the monitoring of absences will revert to a rolling 12 month period and this can include counting back into the 12 month fixed review period, which has just ended and include any sickness absences which may have incurred in this period. For example, if a fixed review period ended 31 March 2020 and the employee is off sick for 1 day on 3 May 2020, then you would count back over a rolling 12 month period to see if they have triggered again within the rolling 12 month period which started from 3 May 2020 to 4 May 2019.**

If the employee breaches the attendance standards set within the fixed 12 month review period, the matter will progress to Stage 2 – Second Sickness Absence Review Meeting (Short-Term).

### **Stage 2 – Second Sickness Absence Review Meeting (Short-Term)**

If any of the triggers set at the First Sickness Absence Review Meeting are breached, the Designated Person will record this on the Return to Work meeting record and inform the employee that a Second Sickness Absence Review Meeting will be arranged.

The Second Sickness Absence Review Meeting should take place as soon as possible following employees return to work

The employee will be given at least **5 working days** written notice of the meeting. The letter will state the date, time and place of the meeting, the reason for the meeting and the right of the employee to have a representative. A copy of the Absence Management/Attendance Policy is available on the shared drive.

The objectives of the meeting will be to:

- confirm the dates and period of sickness absence since the First Sickness Absence Review Meeting (Short-Term) and to ensure that records are up-to-date and accurate
- Review the employee's sickness absence, explore any underlying causes, including any available medical evidence
- Give the employee an opportunity to present any information regarding their sickness absence
- Consider whether the employee should be referred to Occupational Health to seek advice about the employee's medical situation.
- Review the previous efforts made to help the employee reduce their levels of sickness absence and to consider any further options to help reduce levels of sickness absence.
- Advise the employee that if their sickness absence levels do not improve, once all appropriate procedures have been exhausted, consideration will be given to dismissal at the Contract Review Hearing stage of the process
- Set the fixed 12 months review period and outline the triggers that are applicable

The fixed 12 month review period is defined as 12 months commencing the day after the Second Sickness Absence Review Meeting (Short-Term). If during the fixed 12 month period the employee breaches the triggers detailed below, the case will proceed to Stage 3 – Contract Review Hearing.



The triggers are:

- 9 days or 3 periods of sickness absence within the fixed 12 month period, commencing the day after the Second Sickness Absence Review Meeting (Short-Term)

The outcome of the meeting will be confirmed in writing to the employees within **5 working days** of the Second Sickness Absence Review Meeting (Short-Term)

If the employee breaches the attendance standards set within the fixed 12 month review period, the matter will progress to Stage 3

### **Contract Review Hearing**

If any of the triggers set at the Second Absence Review Meeting are breached, the Designated Person will record this on the Return to Work Meeting Record at the return to work meeting and inform the employee that a Contract Review Hearing will be arranged in line with the Absence Management/Attendance Policy.

The purpose of the Contract Review Hearing is to consider the employee's future employment with the school. It will normally be held within 10 working weeks of the employee's return to work.

A Contract Review Panel will consider the case at the hearing and the panel will consist of 3 Governors. It should consist of the Head of School and two Governors who are not Staff Governors, and ideally, not parent Governors and who have not previously been involved in the case. It is an expectation that the Head of School will chair the Contract Review Panel. If the Head of School is not suitable to be on the panel either because they have been previously involved eg at Stages 1 and 2 of the procedure, or could not be seen as being impartial, or for any other valid reason, another Governor should replace them on the panel.

### **Prior to the Contract Review Hearing**

The Designated Person will prepare a report that includes:

- a chronological list of the dates and periods of sickness absence from the date that action was first taken under the Policy and the stated reasons for the sickness absences
- a chronological list of the dates of action taken under the Policy. This will include, where appropriate:
  - records of the Return to Work Meetings
  - records of the First and Second Sickness Absence Review Meetings (Short-Term)
  - all available medical evidence, including a recent report from Occupational Health and where appropriate, the outcome of any referral(s) to an independent specialist medical adviser. It is necessary to provide an up-to-date medical opinion eg within the last two months
  - an assessment of the impact of the absence on the service area and colleagues
  - a summary of any previous efforts made to support and assist the employee, including any efforts made at redeployment, and reasonable adjustments which have been considered throughout the process
  - the employee's employment record and any other relevant information eg details of their job, length of service, attendance record prior to the start of the process etc.

The employee will be given at least **10 working days'** written notice of the Contract Review Hearing. The letter will state the date, time and place of the hearing, include a copy of the Designated Person report and the Absence Management/Attendance Policy, and advise the employee that they may be accompanied to the meeting by a trade union/staff association representative or work colleague.

### **At the Contract Review Hearing**

The Chair of the Contract Review Panel will state the objectives of the hearing which are:-

- to confirm the dates and periods of sickness absence since the beginning of the process and ensure records are up-to-date and accurate
- to review the employee's sickness absence record in the light of any available medical evidence which will include an Occupational Health assessment report completed within the last two months
- to provide an opportunity for the employee to present their case
- to review any previous efforts to assist the employee, including reasonable adjustments where the reasons for absence is due to a medical condition covered under the Disability Discrimination Act
- to review the type of work that the employee does and the impact of their sickness absence on service delivery and colleagues
- to consider the availability of alternative work, where appropriate
- to ensure all the appropriate procedures have been followed and that any proposed action is reasonable in all the circumstances; including referrals to Occupational Health as appropriate and confirmation that the employee has been advised that if the attendance standards were not met, dismissal would be considered

The Designated Person will present the facts of the case at the hearing. The employee and/or their representative will have the opportunity to respond to the information provided by the Designated Person.

The Contract Review Panel may ask questions of both parties and seek advice from appropriate sources prior to reaching their decision.

The Contract Review Panel may consider adjournment to consider the information presented or seek further information. Where further information is provided, both sides will have the opportunity to comment.

### **Outcome of the Contract Review Hearing**

The outcome of the hearing will depend on the assessment by the Contract Review Panel of the facts and circumstances of the case. The Contract Review Panel may consider the following guidance in reaching a decision:

At the Second Sickness Absence Review Meeting (Short-Term) 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 Contract Review Hearing stage, consideration will be given to dismissal. In these circumstances, it would be reasonable that where the reason for the sickness absence is not due to a condition under the Disability Discrimination Act, the outcome of the Contract Review Hearing would be dismissal. The reason for dismissal would normally be due to persistent levels of sickness absence which are unacceptable to the school.

Dismissal will be with contractual notice from the date of the letter confirming the outcome of the Contract Review Hearing. Employees will not be required to work during their notice period.

As an alternative to dismissal, the Contract Review Panel may decide to give the employee a further and final opportunity to meet the attendance standards if there are mitigating circumstances present. Examples of mitigating circumstances could be if the absence was due to an industrial injury or that the employee has previously had an exemplary record of attendance. In these circumstances the original triggers will apply i.e. 9 days or 3 periods within a fixed 12 month period starting from the day after the Contract Review Hearing.

The outcome of the hearing will be confirmed in writing to the employee within **5 working days** of the Contract Review Hearing.

### **Notice Period**

The period of notice for support staff is one week's pay for each year of service in the post up to a maximum of 12 weeks. The notice period starts from the date when the employee is informed that they are to be dismissed. This will invariably be at the Contract Review Hearing.

The period of notice for teachers must be as stated in the Conditions of Service for School Teachers (Burgundy Book). Notice to terminate employment must be given by the dates (by 31<sup>st</sup> October to end employment on 31 December, by 28 February to end employment on 30 April and by 31 May to end employment on 31 August).

The notice period starts from the date when the employee is informed that they are to be dismissed. This will invariably be at the Contract Review Hearing and notice pay will be paid to the end of term in which notice to dismiss is given.

### **Appeal**

The employee has the right to appeal against the decision to dismiss.

The appeal is against the dismissal decision reached at the Contract Review Hearing and is not a re-hearing of the case. The employee can appeal on the following grounds:-

- the severity of the action and/or
- the finding of the Contract Review Hearing on a point of fact and/or
- a failure to adhere to the agreed procedure

### **Procedure to be followed prior to the Appeal**

If the employee wishes to appeal, they must submit their written case statement to the Chair of Governors within **10 working days** of the date of receipt of the letter confirming the outcome of the Contract Review Hearing. The employee's case statement must clearly state the reason(s) for the appeal and any supporting information.

The Chair of the Contract Review Hearing Panel should prepare a management case statement detailing the decision taken at the Contract Review Hearing, explaining the reasons for this decision, and answering any issues that may have been raised in the employee's statement. This should be sent to the employee at the same time as

notification of the Appeal Hearing. If this is not possible, this should be sent to the employee at least **5 working days** before the date of the Appeal Hearing.

The Appeal Hearing should be convened within **3 working weeks** from receipt of the employee's appeal. The employee should be given at least **10 working days'** written notice of the Appeal Hearing.

The appeal will be heard by an Appeals Committee consisting of 3 Governors who are not staff governors and, ideally, not parent governors and who have not previously been involved in the case. The Chair of the Contract Review Hearing Panel will be required to present the management case at the appeal and, for the purposes of this procedure, will be known as "The Presenting Officer". In the absence of the Chair of the Contract Review Panel being available to present the case, this responsibility will fall to one of the other two members of the Contract Review Panel.

### **Procedure to be followed at the Appeal Hearing**

The Chair of the Appeals Committee will state the purpose of the appeal which is to consider the grounds of the appeal.

The Chair will explain the procedure to be followed:

- The employee and/or their representative will present relevant information in support of their appeal.
- The Presenting Office will have the opportunity to respond and provide information relevant to the appeal.
- The Appeal Committee may ask questions of The Presenting Officer and employee and seek advice prior to reaching their decision.
- The Appeal Committee may adjourn to consider the information presented or seek further information before reaching their decision. Where further information is provided, both parties will have the opportunity to comment.

### **Outcome of the Appeal Hearing**

The Appeal Committee will ask both parties to withdraw whilst the decision is considered. Once a decision has been reached, both parties will be recalled and advised of the decision which will be confirmed to the employee in writing, within **5 working days** of the decision; which could be one of the following:-

- dismiss the appeal and uphold the decision to terminate employment
- uphold the appeal and reinstate the employee
- any other action they might consider to be appropriate and reasonable depending on the circumstances of each case

## Appendix VI

### Notification of First Sickness Absence Review Meeting (Short-Term)

Dear Name

#### First Sickness Absence Review Meeting (Short-Term)

During the Return to Work meeting, held following your recent period of sickness absence, you were advised that as the triggers (4 periods/12 days within a rolling 12 month period) had been reached, it was necessary to arrange a First Stage meeting to reset the triggers.

The purpose of the meeting is to:

1. To agree that the details of your sickness absence in the previous rolling 12 month period are accurate and up to date.
2. To review your sickness absence and to explore any underlying causes including any available medical evidence.
3. To provide you with an opportunity to present the circumstances which relate to your sickness absence(s).
4. To consider any options that might assist you to reduce your level of sickness absence.
5. To set the fixed 12 month review period and attendance standards which are applicable, and explain that if the attendance standards are breached within the fixed 12 month review period, your case will proceed to Stage 2 – Second Sickness Absence Review Meeting (Short-Term).
6. To advise you that if the sickness absence levels do not improve, once all appropriate procedures have been exhausted, consideration will be given to dismissal at the Contract Review Stage of the process.

Below are details of your sickness absence over the last rolling 12 month period.

First working day of sickness absence	Last working day of sickness absence	Number of working days lost	Reason(s) for sickness absence
Total number of periods		Total number of days	

The First Stage meeting has been arranged with myself on **Date** at **time** in **S21**. The meeting will follow the procedures as set out in the Staff Absence Management/Attendance Policy which can be accessed on the shared drive in the BCH Terms of Reference and Policies folder (Approved 12.10.12). As stated within the policy, you have the right to be accompanied at the meeting, please see the policy for more information.

If you should have any queries in the meantime, please let me know.

Yours sincerely,

## Appendix VII

### Outcome of First Sickness Absence Review Meeting (Short-Term)

Dear

#### **Outcome of First Sickness Absence Review (Short-Term)**

I refer to the First Sickness Absence Review Meeting (Short-Term) on (date) and write to confirm the outcome.

*State what issues were discussed and actions agreed ensuring that each bullet point given in the notification of the First Review Meeting (Short-Term) is addressed. An example response to the last 2 bullet points is given below*

#### **To confirm the dates and periods of sickness absence in the previous rolling 12 month period and ensure that records are up-to-date**

*State outcome from meeting*

#### **To give you the opportunity to present information regarding your sickness absence**

*State outcome from meeting*

#### **To consider any options that might assist you to reduce your level of sickness absence**

*State outcome from meeting*

#### **To set the fixed 12 month review period and attendance standards which are applicable, and explain that if the attendance standards are breached within the fixed 12 month review period, your case will proceed to the Second Review Meeting (Short-Term)**

*Your fixed 12 month review period starts from (date which is a day after the date of the First Review Meeting) and finishes on (end date of review period). You were informed that if your sickness absence reaches or exceeds 9 days or 3 periods of sickness absence in the fixed 12 month review period, your case will proceed to Stage 2 – Second Sickness Absence Review Meeting (Short-Term)*

#### **To advise you that if the sickness absence levels do not improve, once all appropriate procedures have been exhausted, consideration will be given to dismissal at the Contract Review Stage of the process.**

I informed you that if your sickness absence levels do not improve and the matter were to progress to the Contract Review Hearing stage, you must be aware that consideration will be given to your dismissal.

Yours sincerely

**Appendix VIII**

Notification of Second Sickness Absence Review Meeting Short-Term)

Dear

Second Sickness Absence Review Meeting (Short-Term)

I refer to your recent period of sickness absence and the return to meeting on (date)

During the return to work meeting you were informed that you have breached the sickness absence trigger levels set at the First Sickness Absence Review Meeting (Short-Term) on (date), and as a result I am required to hold a Second Sickness Absence Review Meeting (Short-Term) to discuss your sickness absence.

I would like to stress that this is neither a disciplinary matter nor an attempt to determine whether your absence is legitimate. The main purpose of this meeting is to discuss options to improve your future attendance positively and constructively and will cover the following:

1. to agree that the above details of your sickness absence in the fixed 12 month review period are accurate and up-to-date
2. to review your sickness absence and to explore any underlying causes including any available medical evidence
3. to provide you with an opportunity to present the circumstances which relate to your sickness absence(s)
4. to review any previous efforts to assist you and consider any future options to help reduce your level of sickness absence
5. to consider referring you to Occupational Health for a medical assessment of your health
6. to set the fixed 12 month review period and attendance standards which are applicable, and explain that if the attendance standards are breached within the fixed 12 month review period, your case will proceed to Stage 3 – Contract Review Hearing
7. to advise you that if the sickness absence levels do not improve, once all appropriate procedures have been exhausted, consideration will be given to dismissal at the Contract Review Stage of the process.

Set out below are details of your sickness absence during the fixed 12 month period from and including (enter date of start date of the fixed 12 month review period)

First working day of sickness absence	Last working day of sickness absence	Number of working days lost	Reason(s) for sickness absence
Total number of periods		Total number of days	

The Second Sickness Absence Review Meeting (Short-Term) will take place on (date) at (time) in (location) and will be with (enter who the meeting will be with).

You have the right to be accompanied at the meeting by a companion who could be a work colleague or trade union representative. It is your responsibility to arrange for a representative to accompany you to the meeting.

If, for any reason, you or your chosen companion are unable to attend the meeting, please let me know as soon as possible so that an alternative date may be considered.

If you should have any queries in the meantime, please let me know.

A copy of the Absence Management/ Attendance Policy is available on the shared drive.

Yours sincerely



## Appendix IX

### Outcome of Second Sickness Absence Review Meeting (Short-Term)

Dear

#### **Outcome of Second Sickness Absence Review Meeting (Short-Term)**

I refer to the Second Sickness Absence Review Meeting (Short-Term) on (date) and write to confirm the outcome.

*State what issues were discussed and actions agreed ensuring that each bullet point given in the notification of the Second Review Meeting (Short-Term) is addressed. An example response to the last 2 bullet points is given below*

**To confirm the dates and periods of sickness absence in the fixed 12 month review and ensure that records are up-to-date**

*State outcome from meeting*

**To give you the opportunity to present information regarding your sickness absence**

*State outcome from meeting*

**To review any previous efforts that have been made and to consider any further options that may help you to reduce your level of sickness absence**

*State outcome from meeting*

**To set the fixed 12 month review period and attendance standards which are applicable, and explain that if the attendance standards are breached within the fixed 12 month review period, your case will proceed to the Stage 3 – Contract Review Hearing**

*Your fixed 12 month review period starts from (date which is a day after the date of the Second Review Meeting) and finishes on (end date of review period). You were informed that if your sickness absence reaches or exceeds 9 days or 3 periods of sickness absence in the fixed 12 month review period, your case will proceed to Stage 3 – Contract Review Hearing*

**To advise you that if the sickness absence levels do not improve, once all appropriate procedures have been exhausted, consideration will be given to dismissal at the Contract Review Stage of the process.**

I informed you that if your sickness absence levels do not improve and the matter were to progress to the Contract Review Hearing stage, you must be aware that consideration will be given to your dismissal.

Yours sincerely

**Appendix X**

### Notification of Contract Review Hearing

Page 33 of 68

**Middlesex Learning Partnership Absence Management and Attendance Policy Ratification**

**Date:** October 2017

**Reviewed:** Annually

**Next Ratification:** October 2018

**Governor/Director owner:** Chair of Operations Committee

**Lead Staff Member owner:** HR Manager

Dear

**Managing Attendance – Contract Review Hearing**

I refer to your recent period of sickness absence and the Return to Work Meeting on (date)

During the Return to Work Meeting, I informed you that you have breached the sickness absence trigger levels set at the Second Sickness Absence Review Meeting (Short-Term) on (date) and as a result I am required to arrange a Contract Review Hearing in accordance with the Trust’s Absence Management/Attendance Policy.

The Contract Review Hearing will take place on (date) at (time) in (location). If for any reason you are unable to attend please let me know as soon as possible.

The case will be considered by a Contract Review Panel consisting of three governors who will be:

(list names)

The purpose of the Contract Review Hearing is to:

1. confirm the dates and periods of sickness absence since the beginning of the process and to ensure that records are up-to-date
2. review your sickness absence record in the context of any available medical evidence including any underlying causes
3. provide you with the opportunity to present information and explain reasons for your sickness absence
4. review the type of work that you do including the impact of sickness absence on service delivery and on colleagues
5. review previous efforts to assist you to reduce your level of absence
6. consider the availability of alternative work, where appropriate
7. ensure that appropriate procedures have been followed and that any proposed action is reasonable, taking into account all the circumstances. This includes that you have previously been advised that there will be consideration given to dismissal if you do not meet the attendance standards.

You have the right to be accompanied at the Contract Review Hearing by a companion who could be a work colleague or trade union representative. It is your responsibility to arrange for a representative to accompany you to the Hearing.

If you would like to discuss any matters related to the Contract Review Hearing, please contact (name) on (telephone number).

Please acknowledge receipt of this letter by signing and returning the enclosed acknowledgement record, stating as appropriate the option chosen.

Yours sincerely

**Contract Review Hearing Acknowledgement Record**

Employee to complete:

	Please tick one of the following options
I will be attending the Contract Review Hearing	
I will not be attending the Contract Review Hearing by my representative will be attending on my behalf	
I wish the Contract Review Hearing to take place at another venue other than the school, to be mutually agreed (Please contact (name) to discuss options)	
I will not be attending the Contract Review Hearing but I enclose a written submission for consideration	
I will not be attending the Contract Review Hearing. I do not wish to be represented. I will not be presenting a written submission	

Please note that if you do not return a completed Acknowledgement Record or contact the Head of School to indicate your preference before the date of the Hearing, it will be assumed that you do not wish to attend the Hearing, you do not wish to be represented and you will not be presenting a written submission at the Hearing.

In such circumstances, the Hearing will take place in your absence; consistent with the procedures outlined in the Policy. You will be advised, in writing, of the issues discussed at the Hearing and any outcomes.

I acknowledge receipt of this letter advising me of the Contract Review Hearing to be held on (date) and have ticked my option above.

Signed: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

**Appendix XI**

Outcome of Contract Review Hearing

Dear

**Managing Attendance – Outcome of Contract Review Hearing held on (date)**

I am writing to confirm the outcome of the Contract Review Hearing held on (date)

As outlined in the letter to you dated (date), the purpose of this hearing was to consider issues related to your sickness absence consistent with the Trust's Absence Management/Attendance Policy. The procedures that were followed at this meeting were as outlined in the Absence Management/Attendance Policy. I note that you have received a copy of this document.

*State the outcome at the meeting of each bullet point set out in the notification of the Contract Review Hearing letter*

I am satisfied that all the appropriate procedures outlined in the Absence Management/Attendance Policy have been followed in your case and proposals currently under consideration are reasonable in all the circumstances.

In reaching my decision, I have considered carefully all of the evidence provided by the Designated Person, all the medical evidence made available to me and the information that you provided at the meeting.

After taking all the facts and circumstances of your case into account, and the ongoing difficulties faced by the school due to your absence, it is my decision that your Contract of Employment will therefore be terminated for a reason relating to your persistent and intermittent levels of sickness absences which are unacceptable to the school.

You are entitled to (number of weeks/months notice) contractual notice. The effective date of the termination of your Contract of Employment is therefore (date). You will not be required to work your period of notice.

You have the right to appeal against this decision. Your appeal must be submitted in writing within 10 working days of receipt of this letter confirming dismissal, stating the grounds for the appeal which can be any one or all of the following:-

- the severity of the action and/or
- the finding of the Contract Review on a point of fact and/or
- a failure to adhere to agreed procedure

OR WHERE THE DECISION IS NOT TO DISMISS

After taking all the facts and circumstances of your case into account, and the ongoing difficulties faced by the service due to your absence, it is my decision that you should be given a further and final opportunity to meet the attendance standards and a further Contract Review Hearing will be held if the short-term triggers are breached.

The triggers are set at 9 days or 3 periods. The fixed 12 months review period starts from (enter date of day after the Contract Review Hearing), to (enter end date of the fixed 12 month review period).

I have to advise you that if you breach the triggers in the fixed 12 month review period set out above, I will have to consider the options available to me under the current procedure; this will include the possibility of terminating your Contract of Employment.

If you have any queries concerning the content of this letter, please contact the Head of School in the first instance.

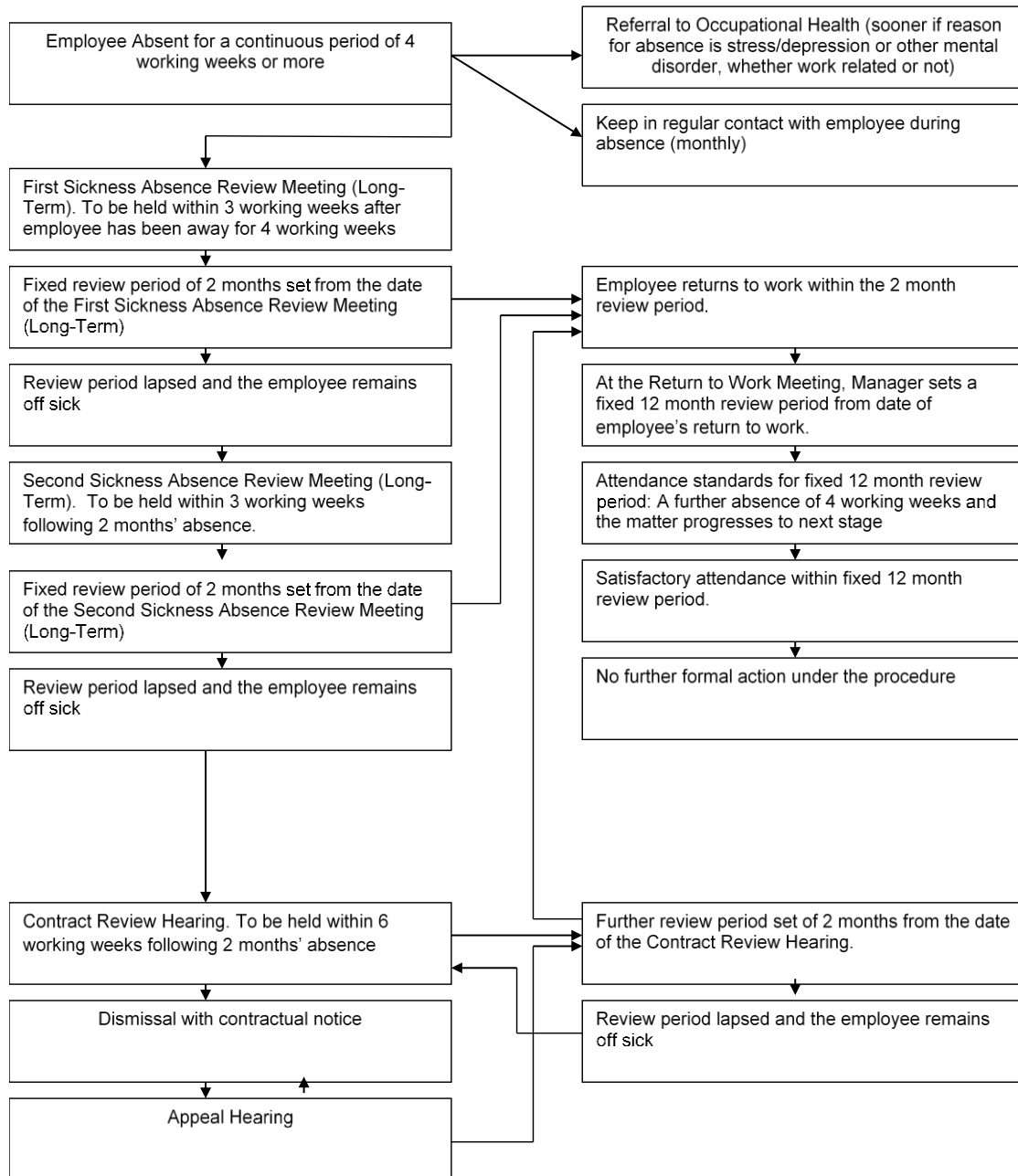
Yours sincerely

Name

Chair of Contract Review Panel

**Appendix XII**

**Long-Term Absence Flowchart**



## Appendix XIII

### Procedure for Dealing with Long Term Absence

Long term absence is a continuous period of sickness absence of four working calendar weeks or more

Where the reason for the absence is due to a medical condition defined as a disability under the Disability Discrimination Act (DDA) reference should be made to the DDA Guidance.

#### Stage 1 – First Sickness Absence Review Meeting (Long-Term)

The Designated Person should set up a First Sickness Absence Review Meeting (Long-Term) as soon as is reasonably practicable, but it is recommended that the meeting should be held no later than 3 working weeks after the employee reaches a continuous period of absence lasting four working calendar weeks.

The employee should be given at least 5 working days' written notice of the meeting. The letter should state the purpose of the meeting and the employee's right to be accompanied to the meeting by a trade union representative or work colleague.

If the employee wishes, the meeting may take place at another appropriate mutually agreed venue rather than their normal place of work. If the employee is unable to attend due to their ill health, they may ask their representative to attend on their behalf or they may wish to send in a written submission to be considered at the meeting.

The objectives of the meeting are:

- To review the employee's sickness absence record and to explore any underlying medical causes for their absence, including any medical evidence eg outcome of referral to Occupational Health.
- To provide an opportunity for the Designated Person to review the implications of the employee's absence on service delivery
- To provide the employee with an opportunity to explain their sickness absence
- To consider services that might assist the employee such as the services available from the school's Employee Assistance Programme, if available and where appropriate. To consider options that might help the employee return to work
- To inform the employee that if they have not returned to work after two working months from the date of the First Sickness Absence Review Meeting (Long-Term), the review period, the case will progress to the Second Sickness Absence Review Meeting (Long-Term)
- To let the employee know that if long-term absence continues, consideration will be given to dismissal at the Contract Review Hearing stage

The outcome of the First Sickness Absence Review Meeting (Long-Term) will be confirmed to the employee in writing within 5 working days of the meeting

During the 2 working month review period the Designated Person must maintain regular contact with the employee. If the employee returns to work during the review period (within 2 working months from the date of

the First Sickness Absence Review Meeting (Long-Term), long term sickness absence standards will be set at the Return to Work Meeting which are:

If the employee has a further period of absence of four weeks or more during the fixed 12 month review period, the case will proceed to the Second Sickness Absence Review Meeting (Long-Term). The fixed 12 month period will start from the date of the employee's return to work.

If satisfactory attendance levels are maintained, there will be no further formal meetings under this procedure.

### **Stage 2 – Second Review Meeting (Long-Term)**

If the employee breaches the long-term attendance standards within the fixed 12 month review period, the Designated Person should set up a Second Sickness Absence Review Meeting (Long-Term) as soon as is reasonably practicable, but should not be any later than three weeks after a continuous period of 4 working weeks of absence

OR

If the employee continues to be on sickness absence for 2 working months or more from the First Sickness Absence Review Meeting (Long-Term), the Designated Person should set up a Second Sickness Absence Review Meeting (Long-Term) as soon as is reasonably practicable, but should not be any later than three working weeks after the end of the 2 working month review period.

The employee should be given at least 5 working days' written notice of the meeting. The letter should state the purpose of the meeting and the employee's right to be accompanied to the meeting by a trade union representative or work colleague.

The objectives of the meeting are:-

- to review the employee's sickness absence record and to explore any underlying medical causes for their absence, including any medical evidence eg outcome of referral to Occupational Health.
- to provide an opportunity for the Designated Person to review the implications of the employee's absence on service delivery
- to provide the employee with an opportunity to explain their sickness absence
- to consider services that might assist the employee such as the services available from the school's Employee Assistance Programme, if available and where appropriate. To consider options that might help the employee return to work
- to consider at this stage whether the employee would benefit from being redeployed to another post within the Academy Trust
- to inform the employee that if they have not returned to work after two working months from the date of the Second Sickness Absence Review Meeting (Long-Term), the review period, the case will progress to Contract Review Hearing where consideration will be given to dismissal.

The outcome of the Second Sickness Absence Review Meeting (Long-Term) will be confirmed to the employee in writing within 5 working days of the meeting

During the 2 working month review period the Designated Person must maintain regular contact with the employee. If the employee returns to work during the review period (within 2 working months from the date of



the Second Sickness Absence Review Meeting (Long-Term), long term sickness absence standards will be set at the Return to Work Meeting which are:

If the employee has a further period of absence of four weeks or more during the fixed 12 month review period, the case will proceed to the Stage 3 – Contract Review Hearing. The fixed 12 month period will start from the date of the employee's return to work.

If satisfactory attendance levels are maintained, there will be no further formal meetings under this procedure.

### **Stage 3 – Contract Review Hearing**

If the employee breaches the long-term attendance standards within the fixed 12 month review period, the Designated Person should arrange a Contract Review Hearing as soon as is reasonably practicable, but should not be any later than six weeks after a continuous period of 4 working weeks of absence

OR

If the employee continues to be on sickness absence for 2 working months or more from the Second Sickness Absence Review Meeting (Long-Term), the Designated Person should set up a Contract Review Hearing as soon as is reasonably practicable, but should not be any later than six working weeks after the end of the 2 working month review period.

The purpose of the Contract Review Hearing is to consider the employee's continued employment with the Academy Trust

A Contract Review Panel will consider the case at the hearing and the panel will consist of 3 Governors. It should consist of the Head of School and two Governors who are not Staff Governors, and ideally, not parent Governors and who have not previously been involved in the case. It is an expectation that the Head of School will chair the Contract Review Panel. If the Head of School is not suitable to be on the panel either because they have been previously involved eg at Stages 1 and 2 of the procedure, or could not be seen as being impartial, or for any other valid reason, another Governor should replace them on the panel

### **Prior to the Contract Review Hearing**

The Designated Person will prepare a report that includes:-

- A chronological list of the dates and periods of sickness absence from the date that action was first taken under the Policy and the stated reasons for the sickness absences
- A chronological list of the dates of action taken under the Policy. This will include, where appropriate:
  - Records of the Return to Work Meetings
  - Records of the First and Second Sickness Absence Review Meetings (Long-Term) ○ All available medical evidence, including a recent report from Occupational Health and where appropriate, the

outcome of any referral(s) to an independent specialist medical adviser. It is necessary to provide an up-to-date medical opinion eg within the last two months

- An assessment of the impact of the absence on the service area and colleagues
- A summary of any previous efforts made to support and assist the employee, including any efforts made at redeployment, and reasonable adjustments which have been considered throughout the process
- The employee's employment record and any other relevant information eg details of their job, length of service, attendance record prior to the start of the process etc

The employee will be given at least 10 working days' written notice of the Contract Review Hearing. The letter will state the date, time and place of the Hearing, include a copy of the Designated Person report and the Absence Management/Attendance Policy, and advise the employee that they may be accompanied to the meeting by a trade union/staff association representative or work colleague.

### **At the Contract Review Hearing**

The Chair of the Contract Review Panel will state the objectives of the hearing which are:-

- To confirm the dates and periods of sickness absence since the beginning of the process and ensure records are up-to-date and accurate
- To review the employee's sickness absence record in the light of any available medical evidence which will include an Occupational Health assessment report completed within the last two months
- To provide an opportunity for the employee to present their case
- To review any previous efforts to assist the employee, including reasonable adjustments where the reasons for absence is due to a medical condition covered under the Disability Discrimination Act
- To review the type of work that the employee does and the impact of their sickness absence on service delivery and colleagues
- To consider the availability of alternative work, where appropriate
- To ensure all the appropriate procedures have been followed and that any proposed action is reasonable in all the circumstances; including referrals to Occupational Health as appropriate and confirmation that the employee has been advised that if the attendance standards were not met, dismissal would be considered

The Designated Person will present the facts of the case at the hearing. The employee and/or their representative will have the opportunity to respond to the information provided by the Designated Person.

The Contract Review Panel may ask questions of both parties and seek advice from appropriate sources prior to reaching their decision

The Contract Review Panel may consider adjournment to consider the information presented or seek further information. Where further information is provided, both sides will have the opportunity to comment

### **Outcome of the Contract Review Hearing**

The outcome of the Hearing will depend on the assessment by the Contract Review Panel of the facts and circumstances of the case. The Contract Review Panel may consider the following guidance in reaching a decision

It is important for the Contract Review Panel to consider the nature of the employee's illness and the medical prognosis. The key question is whether, taking account of all the circumstances of the case, the service area can be expected to wait any longer for the employee's return to work and, if so, how much longer

Dismissal will be considered when the employee is no longer able to carry out their main functions of their job and all options have been explored including reasonable adjustments to that job or whether an alternative job is available through redeployment

Dismissal will be with contractual notice from the date the employee is informed of the decision to dismiss if this is different from the date of the Contract Review Hearing. Employees will not be required to work during their notice period.

Where dismissal is considered, there will be a final period to explore all reasonable alternative options to dismissal. This final period will start from the date of the letter confirming the outcome of the Hearing and will be the employee's contractual notice entitlement.

As an alternative to dismissal, the Contract Review Panel may decide to set a further review period in line with the medical advice and prognosis. However, this review period should be no more than 2 months from the date of the Contract Review Hearing. If the employee has not returned to work within the 2 month period, a further Contract Review Hearing will take place.

During the review period the Designated Person should maintain regular contact with the employee.

If the employee returns to work during the review period (within 2 months from the date of the First Review Meeting), long term sickness absence standards will be set which are:-

If the employee has a further period of absence of four weeks or more during the fixed 12 month review period, the case will proceed to a further Contract Review Hearing. The fixed 12 month period will be the 12 month period from the date of the employee's return to work.

If satisfactory attendance levels are maintained, there will be no further formal meetings under this procedure.

If the employee breaches the long-term attendance standards within the fixed 12 month review period, the Designated Person should arrange a further Contract Review Hearing as soon as is reasonably practicable, but should not be any later than six weeks after a continuous period of four weeks of absence

OR

If the employee continues to be on sickness absence for 2 months or more from the date of the Contract Review Hearing, the Designated Person should set up a further Contract Review Hearing as soon as is reasonably practicable, but should not be any later than six weeks after the end of the two month review period.

## Notice Periods

The period of notice for support staff is one week's pay for each year of service in the post up to a maximum of 12 weeks. The notice period starts from the date when the employee is informed that they are to be dismissed. This will invariably be at the Contract Review Hearing.

The period of notice for teachers must be as stated in the Conditions of Service For School Teachers (Burgundy Book). Notice to terminate employment must be given by the dates (by 31<sup>st</sup> October to end employment on 31<sup>st</sup> December, by 28<sup>th</sup> February to end employment on 30<sup>th</sup> April and by 31<sup>st</sup> May to end employment on 31<sup>st</sup> August). The notice period starts from the date when the employee is informed that they are to be dismissed. This will invariably be at the Contract Review Hearing and notice pay will be paid to the end of term in which notice to dismiss is given.

## Appeal Hearing

The employee has the right to appeal against the decision to dismiss.

The appeal is against the dismissal decision reached at the Contract Review Hearing and is not a re-hearing of the case. The employee can appeal on the following grounds:-

- the severity of the action and/or
- the finding of the Contract Review Hearing on a point of fact and/or
- a failure to adhere to agreed procedure

## Procedure to be followed prior to the Appeal Hearing

If the employee wishes to appeal, they must submit their written case statement to the Chair of Governors within 10 working days of the date of receipt of the letter confirming the outcome of the Contract Review Hearing. The employee's case statement must clearly state the reason(s) for the appeal and any supporting information.

The Chair of the Contract Review Hearing Panel should prepare a management case statement detailing the decision taken at the Contract Review Hearing, explaining the reasons for this decision, and answering any issues that may have been raised in the employee's statement. This should be sent to the employee at the same time as notification of the Appeal Hearing. If this is not possible, this should be sent to the employee at least 5 working days before the date of the Appeal Hearing.

The Appeal Hearing should be convened within 3 working weeks from receipt of the employee's appeal. The employee should be given at least 10 working days' written notice of the Appeal Hearing.

The appeal will be heard by an Appeals Committee consisting of 3 Governors who are not staff governors and, ideally, not parent governors and who have not previously been involved in the case. The Chair of the Contract Review Hearing Panel will be required to present the management case at the appeal and, for the purposes of this procedure, will be known as "The Presenting Officer". In the absence of the Chair of the Contract Review Panel being available to present the case, this responsibility will fall to one of the other two members of the Contract Review Panel.

### **Procedure to be followed at the Appeal Hearing**

The Chair of the Appeals Committee will state the purpose of the appeal which is to consider the grounds of the appeal.

The Chair will explain the procedure to be followed:

- The employee and/or their representative will present relevant information in support of their appeal.
- The Presenting Office will have the opportunity to respond and provide information relevant to the appeal.
- The Appeal Committee may ask questions of The Presenting Officer and employee and seek advice prior to reaching their decision.
- The Appeal Committee may adjourn to consider the information presented or seek further information before reaching their decision. Where further information is provided, both parties will have the opportunity to comment.

### **Outcome of the Appeal Hearing**

The Appeal Committee will ask both parties to withdraw whilst the decision is considered. Once a decision has been reached, both parties will be recalled and advised of the decision which will be confirmed to the employee in writing, within 5 working days of the decision; which could be one of the following:-

- dismiss the appeal and uphold the decision to terminate employment
- uphold the appeal and reinstate the employee
- any other action they might consider to be appropriate and reasonable depending on the circumstances of each case
- 

### **Appendix XIV**

#### **Notification of First Sickness Absence Review Meeting (Long-Term)**

Dear

#### **Managing Attendance – First Sickness Absence Review Meeting (Long-Term)**

*The first paragraph is an opportunity for the Designated Person to offer a positive and supportive personal message, depending on the facts and circumstances of the case for example "I am sorry to hear that you have been unwell and away from work. I understand that you are waiting for an appointment with ...../ I hope that your treatment is going well and aiding your recovery.*

As you have been away from work due to sickness absence since (date), I am writing to inform you that I will be carrying out a review of your circumstances to determine the current position. I have arranged a First Sickness Absence Review Meeting (Long-Term) in line with the Trust's Absence Management/Attendance Policy, a copy of which is attached for your information.

The meeting will take place on (date) at (time) in (location).

I would like to stress that this is neither a disciplinary matter nor an attempt to determine whether your absence is legitimate. The main purpose of this meeting is to review your circumstances and where possible explore options that may assist your return to work and maintain your attendance.

The meeting will explore the following:

1. To review your sickness absence record and to explore any underlying causes including any available medical evidence.
2. To provide you with an opportunity to present the circumstances which relate to your sickness absence.
3. To consider a referral to Occupational Health for a medical assessment on your health and fitness to return to work (only include where a referral has not yet been made)
4. To review the type of work that you do including exploring the option of reasonable adjustments, where appropriate.
5. To reset the long-term attendance standards and explain that if the long-term sickness absence continues or re-occurs within the review period, as set out in the Absence Management/Attendance Policy, the matter will proceed to a Second Sickness Absence Review Meeting (Long-Term) you have the right to be accompanied at the Second Sickness Absence Review Meeting (Long-term) by a representative who could be a work colleague or trade union representative. It is your responsibility to arrange for a representative to accompany you to the meeting.
6. To inform you that if the matter progresses to the Contract Review stage, consideration will be given to dismissal.

I hope that you will be able to attend this meeting, but I understand that as you continue to be unwell you may be unable to do so. If this is the case, there are a number of options available which are detailed on the attached acknowledgement record.

If you have any queries about the contents of this letter please contact me.

I would be grateful if you could acknowledge receipt of this letter by signing and returning the enclosed acknowledgement record, indicating as appropriate the option chosen.

Yours sincerely

## First Sickness Absence Review Meeting (Long-Term) – Acknowledgement Record

Employee to complete:

Please tick one of the following options:	
I will be attending the First Sickness Absence Review Meeting (Long-Term)	
I will not be attending the First Sickness Absence Review Meeting (Long-Term), but my representative will be attending on my behalf	
I wish the First Sickness Absence Review Meeting (Long-Term) to take place at another venue other than the school, to be mutually agreed. Please contact (name) to discuss options	
As I am unfit to attend I request that the First Sickness Absence Review Meeting (Long-Term) takes place via a telephone conference	
I will not be attending the First Sickness Absence Review Meeting (Long-Term), but I enclose a written statement for consideration	
I will not be attending the First Sickness Absence Review Meeting (Long-Term). I do not wish to be represented. I will not be presenting a written statement for consideration	

Please note that if you do not return this completed Acknowledgement Record or contact the school to indicate your preference before the date of the meeting, it will be assumed that you do not wish to attend the meeting, you do not wish to be represented and you will not be presenting a written statement for the meeting.

In such circumstances, the meeting will take place in your absence; consistent with the procedures outlined in the policy. You will be advised, in writing, of the issues discussed at the meeting and any outcomes.

---

I acknowledge receipt of this letter advising me of the First Sickness Absence Review Meeting (Long-Term) to be held on (date) and have ticked my option above.

Signed: ..... Date: .....  
(Name of Employee)

**Appendix XV**

**Outcome of First Sickness Absence Review Meeting (Long-Term) Dear**

**Managing Attendance – Outcome of First Sickness Absence Review Meeting (Long-Term)**

I refer to the First Sickness Absence Review Meeting (Long-Term) which was held on (date) and write to confirm the outcome.

*State what issues were discussed and actions agreed ensuring that each bullet point given in the notification of the First Sickness Absence Review Meeting (Long-Term) is addressed. An example response to the last 2 bullet points is given below*

**To review your sickness absence record and to explore any underlying causes including any available medical evidence**

State outcome of meeting

**To provide you with an opportunity to present the circumstances which relate to your sickness absence** State outcome of meeting

**To consider a referral to Occupational Health for a medical assessment on your health and fitness to return to work (only include where a referral has not yet been made)**

State outcome of meeting

**To review the type of work that you do including exploring the option of reasonable adjustments, where appropriate**

State outcome of meeting

**To reset the long-term attendance standards and explain that if the long-term sickness absence continues or reoccurs within the review period, as set out in the Absence Management/Attendance Policy, the matter will proceed to a Second Absence Review Meeting (Long-Term)**

*If long-term sickness absence continues for a period of 2 months or more from the date of the First Sickness Absence Review Meeting (Long-Term), your case will proceed to a Second Sickness Absence Review Meeting (LongTerm)*

*If you return to work before the Second Sickness Absence Review Meeting (Long-Term), a fixed 12 month review period will be set from the date of your return to work. If, during this fixed 12 month review period you have a further continuous period of sickness absence of 4 working weeks or more, your case will proceed to a Second Sickness Absence Review Meeting (Long-Term)*

**To advise you that if the sickness absence levels do not improve, once all appropriate procedures have been exhausted, consideration will be given to dismissal at the Contract Review Hearing stage of the process.**



I informed you that if your long-term sickness absence continues and the matter was to progress to the Contract Review Hearing stage, you must be aware that consideration will be given to your dismissal.

Yours sincerely

**Appendix XVI**

### **Notification of Second Absence Review Meeting (Long-Term)**

Dear

#### **Managing Attendance – Second Sickness Absence Review Meeting (Long-Term)**

*The first paragraph is an opportunity for the Designated Person to offer a positive and supportive personal message, depending on the facts and circumstances of the case for example “I am sorry that you continue to be unwell and away from work. I understand that you are waiting for an appointment with..../ I hope that your treatment is going well and aiding your recovery.”*

At the First Sickness Absence Review Meeting (Long-Term) on (date) you were informed that if sickness absence continues for a period of 2 months or more from the date of the meeting, a Second Sickness Absence Review Meeting will be held. As this period of time has now lapsed and you continue to be away from work due to sickness absence, I have arranged for a Second Sickness Absence Review Meeting to take place on (date) at (time) at (place)

I would like to stress that this is neither a disciplinary matter nor an attempt to determine whether your absence is legitimate. The main purpose of this meeting is to review your circumstances and where possible explore options that may assist your return to work and maintain your attendance.

The meeting will explore the following:

1. To review your sickness absence record and to explore any underlying causes including any available medical evidence
2. To provide you with an opportunity to present the circumstances which relate to your sickness absence
3. To review the type of work that you do including exploring the option of reasonable adjustments where appropriate
4. To review the implications of your absence on service delivery and on colleagues
5. To reset the long-term attendance standards and explain that if the long-term sickness absence continues or re-occurs within the review period, as set out in the Absence Management/Attendance Policy, the matter will proceed to a Contract Review Hearing
6. To inform you that if the matter progresses to the Contract Review Hearing stage, consideration will be given to dismissal.

You have the right to be accompanied at the Second Sickness Absence Review Meeting (Long-Term) by a companion who could be a work colleague or trade union representative. It is your responsibility to arrange for a representative to accompany you to the meeting.

I hope that you will be able to attend this meeting, but I understand that as you continue to be unwell you may be unable to do so. If this is the case, there are a number of options available which are detailed on the attached acknowledgement record.

If you have any queries about the contents of this letter please contact me.

I would be grateful if you could acknowledge receipt of this letter by signing and returning the enclosed acknowledgement record, indicating as appropriate the option chosen.

Yours sincerely

## Second Sickness Absence Review Meeting (Long-Term) – Acknowledgement Record

Employee to complete:

Please tick one of the following options:	
I will be attending the Second Sickness Absence Review Meeting (Long-Term)	
I will not be attending the Second Sickness Absence Review Meeting (Long-Term), but my representative will be attending on my behalf	
I wish the Second Sickness Absence Review Meeting (Long-Term) to take place at another venue other than the school, to be mutually agreed. Please contact (name) to discuss options	
As I am unfit to attend I request that the Second Sickness Absence Review Meeting (Long-Term) takes place via a telephone conference	
I will not be attending the Second Sickness Absence Review Meeting (Long-Term), but I enclose a written statement for consideration	
I will not be attending the Second Sickness Absence Review Meeting (Long-Term). I do not wish to be represented. I will not be presenting a written statement for consideration	

Please note that if you do not return this completed Acknowledgement Record or contact the school to indicate your preference before the date of the meeting, it will be assumed that you do not wish to attend the meeting, you do not wish to be represented and you will not be presenting a written statement for the meeting.

In such circumstances, the meeting will take place in your absence; consistent with the procedures outlined in the policy. You will be advised, in writing, of the issues discussed at the meeting and any outcomes.

---

I acknowledge receipt of this letter advising me of the Second Sickness Absence Review Meeting (Long-Term) to be held on (date) and have ticked my option above.

Signed: ..... Date: .....  
(Name of Employee)

**Appendix XVII**

Outcome of Second Sickness Absence Review Meeting (Long-Term)

Dear

**Managing Attendance – Outcome of Second Sickness Absence Review Meeting (Long-Term)**

I refer to the Second Sickness Absence Review Meeting (Long-Term) which was held on (date) and write to confirm the outcome.

*State what issues were discussed and actions agreed ensuring that each bullet point given in the notification of the Second Sickness Absence Review Meeting (Long-Term) is addressed. An example response to the last 2 bullet points is given below*

**To review your sickness absence record and to explore any underlying causes including any available medical evidence**

State outcome of meeting

**To provide you with an opportunity to present the circumstances which relate to your sickness absence**

State outcome of meeting

**Review the implications of your absence on service delivery and colleagues**

State outcome of meeting

**To reset the long-term attendance standards and explain that if the long-term sickness continues or re-occurs within the review period, as set out in the Absence Management/Attendance Policy, the matter will proceed to a Contract Review Hearing**

*If long-term sickness absence continues for a period of 2 months or more from the date of the Second Sickness Absence Review Meeting (Long-Term), your case will proceed to a Contract Review Hearing*

*If you return to work before the Contract Review Hearing, a fixed 12 month review period will be set from the date of your return to work. If during this fixed 12 month review period you have a further continuous period of sickness absence of 4 working weeks or more, your case will proceed to a Contract Review Hearing*

**To advise you that if the sickness absence levels do not improve, once all appropriate procedures have been exhausted, consideration will be given to dismissal at the Contract Review Hearing stage of the process**

*I inform you that if your long-term sickness absence continues and the matter was to progress to the Contract Review Hearing stage, you must be aware that consideration will be given to your dismissal*

Yours sincerely  
**Appendix XVIII**

### **Notification of Contract Review Hearing**

Dear

#### **Managing Attendance – Contract Review Hearing**

*The first paragraph is an opportunity for the Designated Person to offer a positive and supportive personal message, depending on the facts and circumstances of the case for example “I am sorry that you continue to be unwell and away from work. I understand that you are waiting for an appointment with ...../ I hope that your treatment is going well and aiding your recovery.*

At the Second Sickness Absence Review Meeting (Long-Term) on (date) you were informed that if sickness absence continues for a period of 2 months or more from the date of the meeting, a Contract Review Hearing will be held in line with the Trust’s Absence Management/Attendance Policy.

As this time has now lapsed and you continue to be absent from work due to sickness absence, a Contract Review Hearing will take place on (date) at (time) in (location)

The case will be considered by a Contract Review Panel consisting of 3 governors who will be:-

(List the names of the Contract Review Panel)

The purpose of the Contract Review Hearing is as follows:-

1. To confirm the dates and periods of sickness absence since the beginning of the process and to agree that records are up-to-date
2. To review your sickness absence record in the context of any available (including any underlying causes) medical evidence
3. To provide you with an opportunity to present information and explain reasons for your sickness absence
4. To review the type of work that you do, including the impact of sickness absence on service delivery and on colleagues
5. To review any previous efforts to assist you to reduce your level of absence
6. Consider the availability of alternative work, where appropriate
7. Ensure that appropriate procedures have been followed and that any proposed action is reasonable, taking into account all the circumstances. This includes that you have previously been advised that there will be consideration given to dismissal if you do not meet the attendance standards

You have the right to be accompanied at the Contract Review Hearing by a companion who could be a work colleague or trade union representative. It is your responsibility to arrange for a representative to accompany you to the Hearing.

I hope that you will be able to attend the Hearing, but I understand that as you continue to be unwell you may be unable to do so. If this is the case, there are a number of options available which are detailed on the attached acknowledgement record.

If you would like to discuss any matters relating to the Contract Review Hearing please contact (name) on (telephone number).

Please acknowledge receipt of this letter by signing and returning the enclosed acknowledgement record, stating as appropriate the option chosen.

Yours sincerely

**Contract Review Hearing Acknowledgement Record**

Employee to complete:

	Please tick one of the following options
I will be attending the Contract Review Hearing	
I will not be attending the Contract Review Hearing but my representative will be attending on my behalf.	
I wish the Contract Review Hearing to take place at another venue other than the school, to be mutually agreed (Please contact (name) to discuss options).	
I will not be attending the Contract Review Hearing but I enclose a written statement for consideration	
I will not be attending the Contract Review Hearing. I do not wish to be represented. I will not be presenting a written statement for consideration	

Please note that if you do not return a completed Acknowledgement Record or contact the school to indicate your preference before the date of the Hearing, it will be assumed that you do not wish to attend the Hearing, you do not wish to be represented and you will not be presenting a written statement for consideration at the Hearing.

In such circumstances, the Hearing will take place in your absence; consistent with the procedures outlined in the Policy. You will be advised, in writing, of the issues discussed at the Hearing and any outcomes.

I acknowledge receipt of this letter advising me of the Contract Review Hearing to be held on (date) and have ticked my option above.

Signed: .....

Print Name: .....

Date: .....

**Appendix XIX**

**Outcome of Contract Review Hearing**

Dear

Managing Attendance – Outcome of Contract Review Hearing held on (date)

I am writing to confirm the outcome of the Contract Review Hearing held on (date)

As outlined in the letter to you dated (date), the purpose of this hearing was to consider issues related to your sickness absence consistent with the Trust's Absence Management/Attendance Policy. The procedures that were followed at this meeting were as outlined in the Absence Management/Attendance Policy. I note that you have received a copy of this document.

*State the outcome at the meeting of each bullet point set out in the notification of the Contract Review Hearing letter*

I am satisfied that all the appropriate procedures outlined in the Absence Management/Attendance Policy have been followed in your case and proposals currently under consideration are reasonable in all the circumstances.

In reaching my decision, I have considered carefully all of the evidence provided by the Designated Person, all the medical evidence made available to me and the information that you provided at the meeting.

After taking all the facts and circumstances of your case into account, and the ongoing difficulties faced by the school due to your absence, it is my decision that your contract of employment will therefore be terminated for reasons relating to your incapability to do the work that you were employed to do due to non-attendance.

You are entitled to (insert number of weeks/months notice) contractual notice. The effective date of the termination of your contact of employment is therefore (date)

You will need to continue to provide further medical certificates to cover your sickness absence during the period of your notice

Please be advised that there will be a further period to explore all reasonable alternative options to dismissal which will be dependent upon any significant changes in your circumstances. This final period will start from the date of the letter confirming the outcome of the Hearing and ending when your period of contractual notice expires.

You have the right to appeal against this decision. Your appeal must be submitted in writing within 10 working days of receipt of this letter confirming dismissal, stating the grounds for the appeal which can be any one or all of the following:-

- the severity of the action and/or
- the finding of the Contract Review on a point of fact and/or
- a failure to adhere to agreed procedure

OR WHERE THE DECISION IS NOT TO DISMISS

After taking all the facts and circumstances of your case into account, and the ongoing difficulties faced by the service due to your absence, it is my decision that a further Contract Review Hearing will be held if following a



review period not exceeding 2 months, from the date of the Contract Review Hearing (date) you have not returned to work. I have to advise you that if you have not returned to work by that time, I will have to consider the options available to me and under the current procedure; this will include the possibility of terminating your contract of employment.

If you have any queries concerning the content of this letter, please contact the Head of School in the first instance.

Yours sincerely

Name  
Chair of Contract Review Panel

## Appendix XX

### Contract Review Hearing

The purpose of the Contract Review Hearing is to decide on the employee's future employment. A Contract Review Panel will hear the hearing and will consist of 3 Governors; the Head of School and two governors who are not staff governors and, ideally, not parent governors and who have not previously been involved in the case.

It is the expectation that the Head of School will chair the Contract Review Panel. If the Head of School is not suitable to chair the panel, because he/she has been previously involved at earlier stages of the policy, another governor should replace him/her on the panel.

#### Procedure to be followed prior to a Contract Review Hearing

The Designated Person will prepare a report that includes:

- A chronological list of the dates and periods of sickness absence(s) since action was first taken under the policy, together with the stated reasons for the sickness absence(s).
- A chronological list of the dates of action taken under the Policy.
- All available medical evidence including the outcome of a recent referral to Occupational Health and, where appropriate, the outcome of referral(s) to an independent specialist medical adviser. For long term absence cases, a copy of the employee's latest medical certificate should also be included.
- An assessment of the impact of the sickness absence on service area and colleagues.
- A summary of any previous efforts to support and assist the employee.
- The employee's employment record and any other relevant information.

The employee will be invited to a Contract Review Hearing in writing, giving 10 working days notice. The letter will include:

- The date, time and place of the hearing.
- The reasons for the hearing, including a copy of the Designated Person's report (as above).
- The employee's right to be accompanied by a work colleague or trade union representative. □  
A copy of the policy.

#### Procedure to be followed at a Contract Review Hearing

The chair of the panel will state the objectives of the hearing which are:

- To confirm the dates and periods of sickness absence since the start of the process and to ensure that records are up-to-date and accurate.
- To review the employee's sickness absence record in the light of any available medical evidence.
- To provide an opportunity for the employee to present his/her case.
- To review the type of work that the employee does including the impact of sickness absence on service delivery and on colleagues.
- To review any previous efforts to assist the employee; including reasonable adjustments where the reasons for absence is due to a medical condition covered under the Disability Discrimination Act.

- For cases where the employee is on long-term sickness absence at the time of the hearing, to consider the availability of alternative work, where appropriate.
- The panel to satisfy themselves that all the appropriate procedures have been followed and that any proposed action is reasonable in all the circumstances. This will include that the employee has previously been advised that there will be consideration given to dismissal if he/she does not meet the attendance standards and there has been at least one recent referral to Occupational Health.

The Designated Person will present the information contained in his/her sickness absence report.

The employee and/or their companion will have the opportunity to respond to the information provided and present any relevant information.

The Contract Review Panel may ask questions of the Designated Person and employee and seek advice from appropriate sources prior to reaching their decision.

The Contract Review Panel may consider adjournment to consider the information – where further information is provided; both sides will have the opportunity to comment.

### **Outcome of the Contract Review Hearing**

After taking all the facts and circumstances of the case into account the Contract Review Panel may consider the following guidance in reaching a decision:

#### Short Term Cases

At the second stage of the formal process the employee would have been advised that the subsequent review period being set would be his/her final opportunity to improve his/her attendance; and that if the case was to reach the Contract Review Stage, consideration will be given to dismissal. In the circumstances, it would be reasonable that, where the reason for the sickness absence is not due to a condition under the DDA, the outcome of the Contract Review Hearing will be dismissal. The reason for dismissal would normally be due to persistent and intermittent levels of sickness absence which are unacceptable to the school.

Dismissal will be the contractual notice from the date of the letter confirming the outcome of the Contract Review Hearing. In normal circumstances, the employee will be expected to work their notice.

As an alternative to dismissal, the Contract Review Panel may decide that there is sufficient mitigation, for example, to give the employee a further and final opportunity to meet the attendance standards in which case Stage 2 of the Short Term Absence process would apply.

#### Long Term Cases

Important factors in reaching a decision include the nature of the employee's illness and the medical prognosis. A key question to be considered by the Contract Review Panel is whether, with regards to all the circumstances of the case, the school can be expected to wait any longer for the employee to return to work and, if so, how much longer.

Dismissal will be considered when the employee is unable any longer to carry out the main functions of his/her job and all reasonable options have been explored, including reasonable adjustments to that job, and whether an alternative job is available for that employee.

Where dismissal is considered, there will be a final period to explore all reasonable alternative options to dismissal. This final period will start from the date of the letter confirming the outcome of the Hearing and will be the employee's contractual notice entitlement.

As an alternative to setting an end date to explore options to dismissal, the Contract Review Panel may decide, for example, to set a further review period in line with the medical advice and prognosis. A Contract Review Hearing will take place if the employee does not return to work after a period specified in accordance with the circumstances of the case. The review period should not exceed a period of 2 months from the date of the letter confirming the outcome of the Contract Review Hearing.

The outcome of the Contract Review Hearing should be confirmed in writing to the employee within 5 working days of the Hearing.

## **Appendix XXI**

### **Appeals Procedure**

The employee will have a right of appeal against the decision to dismiss. The appeal is against the dismissal decision reached at the Contract Review Hearing and is not a re-hearing of the case.

#### **Procedure to be followed prior to the Managing Attendance Appeal**

If the employee wishes to appeal he/she must submit his/her written case statement to the Chair of Governors within 10 working days of the date of the letter confirming the outcome of the Contract Review Hearing. The employee's case statement must clearly state the reason(s) for the appeal and any supporting information.

The management case statement, prepared by the Chair of the Contract Review Hearing Panel, should detail the decision taken at the Contract Review Hearing, explain the reasons for this decision and answer issues raised in the employee's case statement. This will be sent to the employee at least 5 working days before the appeal hearing.

The appeal hearing should be convened as soon as possible following the receipt of notification of appeal and within 3 working weeks of the appeal being made. The appeal will be considered by an Appeals Committee consisting of 3 governors who are not staff governors and, ideally, not parent governors and who have not previously been involved in the case. The Chair of the Contract Review Panel will be required to present the management case at the appeal and, for the purposes of this Procedure, will be known as the 'Presenting Officer'. In the absence of the Chair of the Contract Review Panel being able to present the case, this responsibility will fall to one of the other two members of the Contract Review Panel.

#### **Procedure to be followed at the Managing Attendance Appeal**

The Chair of the Appeals Committee will state the purpose of the Appeal which is to consider the grounds of the appeal and make a judgment as to whether, taking into account the circumstances, the requirements of the policy have been met.

The employee and/or their companion will present relevant information in support of their appeal.

The Appeal Committee may ask questions of the Presenting Officer and employee and seek advice from appropriate sources prior to reaching a decision.

The Appeal Committee may consider an adjournment to consider the information presented and to seek further information. Where further information is provided both sides will have the opportunity to comment.

#### **Outcome of the Managing Attendance Appeal**

The Appeal Committee will ask both parties to withdraw whilst the decision is considered. The Chair may recall either side for further questioning on the evidence presented, at which time all parties will be present.

Once a decision has been reached, both parties will be recalled and advised of the decision which will be confirmed to the employee, in writing, within 5 working days of the decision, which could be one of the following:

- Dismiss the appeal and uphold the decision to terminate employment.
- Uphold the appeal and reinstate the employee
- Any other action the Panel considers to be appropriate and reasonable depending on the circumstances of the case.

## **Appendix XXII**

### **Referring Employees to Occupational Health**

The Designated Person may refer an employee to Occupational health at any time within this procedure to establish the employee's medical situation. In any event, a referral should be made after a continuous sickness absence of 4 weeks or more. Advice must be sought from Occupational Health prior to any action within the scope of the Hearing Stage.

Where the reason for an employee's sickness absence is given as stress/depression or some other mental health condition whether work related, or not, steps should be taken to immediately refer the employee to Occupational Health.

Employees are required to attend appointments with Occupational Health. An employee who unreasonably fails or refuses to attend an appointment, and fails to provide an acceptable reason for not attending, will be subject to action under the Trust's Disciplinary procedure.

The Occupational Health Doctor will investigate the employee's medical position and advise the school about the employee's fitness to undertake the duties of the post, on the information available to them.

Employees have the right to access their medical information and to receive copies of medical reports consistent with the Data Protection Act. The employee will be notified, in writing, of the Occupational Health doctor's statement.

The employee's consent will be sought where the Occupational Health doctor considers that an examination by an independent medical specialist is required or that contact with the employee's GP would be beneficial. If the employee does not give consent to the disclosure of medical records or to be examined, decisions will be taken on all other available information.

If the employee does not accept the recommendation of the Occupational Health doctor, they must notify the Designated Person if they wish to seek an independent specialist medical opinion within 10 working days of receiving the medical report from Occupational Health. The employee's independent medical report must be submitted to the Designated Person as soon as reasonably practicable but this will not delay the process. For example, in dismissal cases, where it is not possible for the employee's independent report to be submitted before the person's last day of service, the notice period will not be extended.

### **Case Conference Process**

If in complex/exceptional cases the Designated Person wishes to discuss a case and implications directly with the Doctor they can request a case conference which will normally be allocated in 15 minute slots. The case conference can be a face-to-face meeting with the Doctor or a telephone conversation.

- The Designated Person can telephone Occupational Health for an appointment stating whether they require a face-to-face meeting or a telephone conversation.
- Occupational Health will e-mail the Designated Person with an appointment date/time.
- If the arrangement is to discuss the case on the telephone Occupational Health will telephone the Designated Person on the date and time agreed. With face-to-face meetings, the Designated Person will be required to report to Main Reception at the Civic Centre.
- Trust HR/Schools HR can be available to attend, if required, by the Designated Person for support and advice

**Appendix XXIII**

**Failure to attend Occupational Health Referral Appointment**

Dear

**Failure to attend Occupational Health Appointment on .....**

I have been informed by Occupational Health that you did not attend the appointment arranged for you on (date)

In the circumstances I have requested Occupational Health to arrange another appointment for you and they will contact you with the date and time of your appointment.

Please note that it is important that you attend this appointment so that Occupational Health can provide me with a medical assessment of your health. This information will enable me to see what reasonable adjustments, if any, the school can make which will support and assist your return to work.

I must advise you that a refusal to attend a medical appointment without an acceptable explanation may result in disciplinary action and may also lead to immediate forfeiture of benefits payable under Occupational Sickness Payment Scheme.

In the meantime if you have any queries please contact me.

Yours sincerely

Designated Person

**Appendix XXIV**

**Phased Return to Work**

A phased return to work may be advised by the Occupational Health Unit to facilitate recovery and rehabilitation back into the work place following a period of sickness absence by enabling the employee to work reduced hours for a fixed period of time.

The Occupational Health Unit 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.

An employee returning to work on a phased basis will be paid as follows:-

- Where the employee has exhausted their entitlement to sick pay, the salary payments made will be based on the number of hours worked



- Where the employee is in receipt of sick pay at the time of their return to work on a phased basis, they will be paid the sick pay that would have been paid if the employee remained off sick or be paid in accordance with the number of hours worked whichever is the greater amount
- If the employee is unable to return to their normal contracted hours after three months, salary payments will be based on the number of hours worked

For employees returning to work on a phased basis, a Phased Return to Work should be completed and forwarded to Payroll so that salary payments can be adjusted accordingly. The form must be submitted on a weekly basis to ensure that no salary overpayments occur.

A phased return to work should be monitored and managed by both the Designated Person and the Occupational Health Unit, and should last no longer than three months. If it becomes evident that the employee is unable to return to their normal contracted hours after a period of three months, the Designated Person should meet with the employee to explain that a phased return to work is only agreed up to a maximum of three months. The Designated Person should discuss with the employee 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 level obligations under the Disability Discrimination Act.

If following the discussion with the employee, the school is able to support the request to continue the reduced hours, the Designated Person should advise the employee that this will require a contractual change eg pro-rata salary where applicable. Change in Conditions should be completed by the school and returned to Schools HR where appropriate.

If following the discussion with the employee, the school is unable to support the request to continue the reduced hours, the Designated Person 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/Schools HR and a referral to the Occupational Health Unit maybe pursued to obtain advice about whether ill health redeployment may be appropriate.

Where there is no stated expectation by the Occupational Health Unit that the employee will be able to return to their normal working hours/pattern within a reasonable period of time, there is no provision for protection of pay whilst working reduced hours. The Designated Person should discuss with the employee whether the school is able to support the recommendation. Advice should be sought from the Trust HR/Schools HR and a referral to the Occupational Health Unit may be pursued to obtain advice about whether ill-health redeployment may be appropriate.

**Appendix XXV**

**Notification of Phased Return to Work**

Name of School: .....
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This is to notify you of the arrangements for a phased return for the following employee:

Name of Employee	.....
Post Title:	.....
Pay Number:	.....

Details of the Phased Return:

Start date of phased return:	.....
Hours per week:	.....
Working Pattern:	.....

Week ending	Monday	Tuesday	Wednesday	Thursday	Friday

Please complete the section below when the phased return has come to an end and the employee has resumed normal working hours:-

End date of phased return:	.....
Date normal working hours resumed:	.....

Signed: ..... (Head of School)

Name of Head of School: .....

Date: .....

NB: Employees should be informed that adjustments to their salary will be made in the next available month.

**Appendix XXVI**

**Absence Management / Attendance Policy Overview**

**Principle Provisions are:**

- A consistent and fair approach to the management of absence. Independent Occupational Health professionals provide advice and support.

- To offer assistance to help sick members of staff regain full health.
- If you are unable to attend school due to illness, you should notify the school on the Cover Line before 7.00am. Whenever possible you should indicate how long you expect to be absent.
- On the fourth consecutive calendar day of sickness absence in addition to leaving a message on the Cover Line, contact should also be made with the designated person regarding your continued absence.
- A self-certification form detailing the reasons for your absence must be completed for absences between 1 and 7 calendar days. This should be handed to the Administrative Officer.
- Failure to complete this form for each period of sickness absence within the 2 working day period will result in deduction of salary to cover the period of unexplained absence. It may also result in action consistent with the Disciplinary Policy and Procedure.
- On the eighth consecutive day of sickness absence, a Doctor's Certificate will be required and should be forwarded to the Designated Person. The Certificate should indicate the nature of the illness, the dates covered by the certificate and the date of the signature of the doctor.
- Subsequent Doctor's certificates must be submitted to cover any absence that extends beyond the period covered by the initial certificate.
- In cases where the Doctor's first certificate covers a period exceeding fourteen days or where more than once certificate is necessary, before returning to school you should obtain a final certificate confirming your fitness to resume your full duties. You will need to inform the Doctor of the type of duties of your job.
- If you are sick during school holiday periods you should obtain a medical certificate in compliance with the above procedure; this will only be required to cover absence on the day before or after a school closure period if your absence is part of a continuous period.
- On your return to school the Designated Person will conduct a Return to Work Meeting. The completed documentation should be forwarded to the Administrative Officer.
- If your total periods of absence reach the following defined levels or if a pattern of absence is identified, a meeting will be held in line with the policy procedures. This will be a routine process and will be carried out in a sensitive, objective and consistent manner.
- 12 days sickness absence within a rolling 12 month period OR
- 4 periods of sickness absence within a rolling 12 month period

Absences of four calendar weeks; duration will be regarded as long term. There may also be instances where a number of short term absences are the result of an underlying medical condition.

- The initial enquiry will include a routine confidential discussion with the member of staff and will include appropriate items from the following:
  - a. Previous sickness
  - b. The nature (including pattern) and length of the sickness absence

- c. Explore the underlying causes of absence including personal, health, domestic or work-related matters
  - d. The likelihood of a recurrence of some other illness
  - e. The gaps between periods of absence
  - f. The type of work that the member of staff does including the impact of absence on students, colleagues, the curriculum area and school as a whole
  - g. Offer independent welfare counselling where appropriate
- If, due to confidentiality, or sensitivity, you do not feel able to discuss details of your absence, you can speak to a member of the Leadership Group, Trust HR/Schools HR, a Governor, Occupational Health or trade union representative.
  - Depending on the outcome of the discussion, advice may be sought and further action taken, this could include setting targets during Stage 1 – First Sickness Absence Review Meeting. The triggers would be 9 days or 3 period’s sickness absence within a fixed 12 month period.
  - If triggers are breached within the set period of time this will then proceed to Stage 2 – Second Sickness Absence Review Meeting.
  - Stage 2 – Second Sickness Absence Review Meeting – a further meeting would be held to discuss the underlying causes in failing to attain the improvement in attendance; you would again be given the opportunity to improve your attendance and would be given further improvement targets, which would be 9 days or 3 periods sickness absence within a fixed 12 month period.
  - If the improvement targets set in Stage 2 are breached within the set period of time, this will then proceed to Contract Review Hearing.
  - Contract Review Hearing – the objective of this hearing will be to assess whether the school can sustain the continued employment of the employee. The panel would consist of three Governors/Trustees.
  - If the decision of the Contract Review is dismissal you have the right to appeal in accordance with the Appeals Procedure.
  - Staff are expected to be punctual at all times. In the morning teaching staff are required to be in school before the start of briefing having ensured that their classroom is fully prepared for the lessons of that day. Staff are also expected to be punctual to lessons and are outside the appropriate room, especially after breaks when they should be at the room before the bell, this is in order to greet students and ensure a prompt and efficient start to lessons. In the morning non-teaching staff are required to be in school before the start of their contracted hours as agreed within their Contract of Employment.
  - If there is a cause for concern with regard to timekeeping, procedures contained within the Disciplinary Policy will be implemented.