



**Sickness Absence  
Policy and Procedure**

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## **1. Introduction**

This policy and procedure applies to all employees of Astrea Academies Trust (Astrea), those based in academies and the central team.

Throughout this document, the term 'Principal' refers to the Principal or Head of Academy and 'Senior Leader' refers to the relevant members of staff within the Central Team. Nominated person refers to an appropriate member of staff that has been delegated by the Principal/Senior Leader to manage an employee's absence.

The policy sets out the procedure for reporting sickness absence and for the management of sickness absence in a fair and consistent way. Astrea and all employees are responsible for ensuring that good attendance is maintained. Where absence levels become unacceptable the procedures set out in this policy will be applied.

It is important that the policy recognises that Astrea have a duty to deliver teaching and learning and to minimise the disruption that absence may cause.

The policy is intended to be used in cases involving absence from work due to sickness and is designed to ensure that all employees are dealt with compassionately and equitably, without discrimination.

It also recognises that employees have responsibilities in managing their own attendance and these responsibilities are outlined within this policy. Where additional support is required, Astrea HR can provide specialist advice on individual or complex cases and where necessary seek further expert advice from, for example, Occupational Health, and Counselling services that can help improve and maintain employee's well-being in many ways.

The policy complies with the requirements of The Education (Teachers) Regulations 1993 and The Education (Health Standards) (England) Regulations 2003 in ensuring all employees have the health and physical capacity to fulfil their duties. Decisions which are made during the use of this policy will also take into consideration the provisions within the Equality Act 2010.

At all stages within this policy and procedure, and in accordance with the Equality Act 2010, provision will be made for any reasonable adjustments to accommodate the needs of individuals attending the meetings/hearing. These adjustments include holding meetings in alternative locations rather than the normal workplace.

For clarity, a working day shall exclude Saturday, Sunday, Public and Statutory Holidays, school holidays for teachers and term time only employees and any extra Statutory Holidays or additional days granted by Astrea or the Secretary of State for Education. The only addition to this is for Central team staff. By agreement Central Team Staff can hold absence related meetings during Teachers non-term time if agreed by all parties prior to arranging any meetings.

## **2. The Aim of the Policy**

The policy aims to:

- Ensure the effective management of sickness absence and support of employees suffering from ill health.
- Improve and maintain the health of employees.
- Treat sickness absence in a fair, consistent, sensitive and constructive manner.
- Monitor sickness absence on a regular basis to identify any job-related issues.

- Manage and deal with absence related to a disability, positively as part of the support and management of the employee.
- Develop a culture which encourages a high attendance level.
- Ensure that all managers receive appropriate guidance and training in the application of this policy.
  - **As with all Astrea policies, positive relationships and communication with Trade Union colleagues are pivotal in ensuring that sickness absence is managed ethically in all cases.**

### 3. Key Principles

Sickness absence from work is always assumed to be genuine. It is recognised that most employees have excellent attendance records and that they make every possible attempt to attend work, taking time off only where necessary. Whilst there is an understanding that there will inevitably be occasions where employees are prevented from attending work due to ill health, this must be balanced with the needs of Astrea and the impact that staff absence has on the ability to provide the best possible education to all children in our academies.

The Principal / Senior Leader, or their nominated person, is responsible for monitoring absence levels and applying this policy. The nominated person will normally be a senior employee within Astrea e.g. Vice Principal, Head of Department, or Line Manager. In the case of a Principal / Senior Leader being absent from work, a member of the Astrea Executive Board will appoint a nominated person to monitor any absence in keeping with the principles of this policy.

Consideration must be given where the employee is absent as a result of any work-related matter. In such cases, the person responsible for managing the process must not be related to the cause of the absence.

Where the Principal / Senior Leader has nominated a person to undertake the management of an absence case, that person must keep the Principal / Senior Leader up to date regarding the employee's absence. They are also responsible for maintaining contact and support in consultation and with mutual agreement of all parties. Initial contact will be of an informal nature; formal contact will be agreed in long term absence cases when a continuous period of absence exceeds or is likely to exceed four weeks or sooner in order to arrange appropriate support. If support is arranged sooner than four weeks this does not result in the formal process starting before four weeks, it means that an employee will be given the required support regardless of the four weeks.

Where employees are found to be incapable of continuing their duties because of ill health, Astrea will endeavour to find other employment within the same location, and where appropriate Astrea will endeavour to offer redeployment at alternative locations within the organisation.

Where employees have frequent short-term absences, medical advice will be sought and Occupational health and/or counselling offered where appropriate.

### 4. Communication

**In order to ensure good working relationships and communication channels, Astrea endeavour to ensure employees are aware of this policy and procedure. Employees have a right to representation from a Trade Union representative or workplace colleague at every stage of this process.**

The need for everyone to play their role in the management of sickness absence is recognised by Astrea as being essential in promoting a healthy workforce and minimising sickness absence levels. All employees should be made aware of and provided with access to a copy of this policy.

Where the sickness absence of an employee gives cause for concern, the Principal / Senior Leader, or their nominated person, will discuss this with the individual concerned and their trade union representative. This will be where absence levels have been reached or following a period of sustained long-term absence.

## **5. Absence Notification**

Central team employees must contact their Line Manager before the employee's normal start time on the first day of the absence. Local arrangements may differ in some Academies and the central team, employees within academies and the central team will follow local instructions.

In exceptional circumstance where the employee cannot contact their Line manager, for example hospital admissions, emergencies, and/or accidents discretion should be applied by the Line Manager as they see fit. In such emergency cases the employee or a relative should make the Line Manager aware at the earliest opportunity.

Every employee must adhere to the local absence notification procedures which are in place at their place of work. All employees should be made aware of and provided with access to a copy of the procedure they must follow. Failure, or persistent failure to follow these procedures will be dealt with as a disciplinary matter under the Astrea disciplinary policy and procedure.

## **6. Maintaining Contact**

It is important that regular contact is maintained with employees who are absent due to sickness following the first day of absence.

Any contact with an employee should be handled sensitively and frequency of contact should be agreed with the employee. In cases of stress/anxiety related absence or where formal action may/have been taken or in particularly complex situations, advice should be sought from Astrea HR before contact is made. Contact should be through the Principal / Senior Leader, or nominated person, who is familiar with the employee.

Contact may be made with the employee by telephone, sending a letter, card or email, arranging for them to visit the Academy or agreeing a mutually convenient location.

The purpose of such contact is to:

- Provide support.
- Discuss and plan the rehabilitation needs and back to work plans.
- Ensure reporting policies are followed so there is no loss of pay or benefits.
- To gain an up to date account of symptoms that are affecting an employee's ability to attend work.
- To help the Principal / Senior Leader, or nominated person, assess the possible length of absence to plan cover.

Astrea recognises that there are occasions where it may be inappropriate to make direct contact with the absent employee as it may have a detrimental effect on their health and/or recovery. Astrea will consider this on a case by case basis and will seek advice from Occupational Health where necessary. In cases where direct contact may be inappropriate, Astrea will maintain contact with the employee through the union representative or an alternative representative.

## **7. Return to Work Discussion**

A return to work discussion should take place between the line manager and any employee on the day that they return to work, or as soon as possible after their return to work following sickness absence. The meeting should be conducted in a private setting. The purpose of this discussion is to show employee's that they are missed, to encourage a culture of good attendance and highlight any potential problems or difficulties, and to put any interventions in place that can help to improve attendance.

It is important that this is carried out for all employees without exception, in a consistent manner, with empathy and sensitivity and without presumption before the discussion. However, the method of approach and the nature of the discussion should be mediated by common sense.

The return to work discussion should follow a consistent format by completing the Astrea pro forma, covering the following areas: (A copy of the Astrea return to work pro forma can be found at appendix 1 - The Astrea pro forma is also used to capture the self-certification process).

- Welcome the employee back to work.
- Enquire about their health / reasons for absence.
- Ensure they are fit to resume their duties.
- Discuss any support/action which may be required, including any reasonable adjustments (e.g. phased return to work, flexible working, workplace adaptations).
- Update them of developments at their academy and Astrea.
- Discuss any observations and concerns (e.g. patterns of absence / frequency of absence).
- Reiterate to the employee that a high level of attendance is expected from all employees and this will be managed fairly and sensitively.
- Where absence has reached a problematic stage, inform the employee that a formal meeting will be arranged or advise the employee that further prolonged or regular absences may result in a more formal approach being taken.
- For short term absence, up to 7 calendar days a self-certified Astrea form will need to be completed as part of the return to work meeting. The self-certified form can be found at appendix 1.

The return to work discussion should be recorded on the appropriate return to work form and placed in the employee's personnel file.

The return to work meeting does not require the support of the central HR team, unless HR are requested to attend by either the employee or Line Manager/Senior Leader.

After a long term absence it may be necessary for continuing support to be agreed through regular one to one meetings to review adjustments and address any further concerns the employee may have. In the case of someone who may be covered by the Equality Act, this may be for the long term.

## **8. Occupational Health**

At all stages, and before any stage of the long and short term process the service of occupational health maybe called upon to through the referral system to ensure that Astrea and the employee are doing everything possible to ensure a healthy workforce.

It may be appropriate to refer the employee to the Occupational Health Service to obtain a diagnosis of the implications of the absence and identify any appropriate support measures. Occupational health intervention can be used before any formal process in certain circumstances, e.g. stress/anxiety/depression. In certain cases a General Practitioner report(s) may be required and requested.

In determining whether this is an appropriate course of action the Principal / Senior Leader, or nominated person, should have regard to a number of factors including:

- Will this help the employee.
- Will this service help to understand more about the employee's absence.
- The overall sickness absence record.
- Any medical evidence available.
- Any mitigating factors or explanations presented by the employee.
- The short and long-term effects of the employee's illness.

Astrea is able to offer an Occupational Health Service (OHS). The OHS provides a wide range of services including:

- Advising on health issues either in relation to employees or the workplace.
- Advising on sickness absences and whether referral to any other agency or body is advisable.
- Undertaking confidential health investigations on employees referred and to advise both the employee and ASTREA of appropriate courses of action.
- Arranging specific medical examinations where appropriate with occupational health physicians/medical practitioners and advise outcomes accordingly.
- Advising managers when absences or other factors affecting work performance are deemed to be attributable to the work environment.
- Recommending and coordinating arrangements for physiotherapy and other manipulative treatment in cases of back/muscular problems.
- Assessment of reports from specialists on teaching staff absent over three months with specified illnesses.
- Provision of access to professional counselling service for employees with health problems/personal difficulties.
- Coronary Risk Profiling via the appropriate external agencies.
- Support for employees linked to alcohol and drug misuse.

**More information on the services which can be provided are available from Astrea HR.**

**The Occupational Health provider will obtain consent from the employee in accordance with their rights under the Access to Medical Reports Act 1988 which includes the right to see the report if they so wish before it is sent to Astrea and their trade union representative. Further advice is available from Astrea HR.**

Where a medical report has been obtained but its content is inconclusive, the Principal / Senior Leader, or nominated person, should consult Astrea HR to decide whether a second opinion should be obtained. If so, it will be necessary to write again to the employee explaining that a second opinion is required. At this stage, the employee will again be advised of their right to seek advice from their trade union or other representative.

## **9.0 Short Term Sickness Absence**

### **9.1 Absence Triggers**

The following absence triggers will initiate formal management intervention in cases of short-term sickness absence where the employee has:

- Four separate absences (each absence separated by a period of non-absence) within a rolling twelve-month period, or
- Twelve working days of absence over more than one spell of absence within a rolling twelve-month period. This will be pro-rata for employees who work part time, or
- A pattern of absence which causes concern.

*Note: A self-certified absence is one of seven calendar days or less. Where an absence extends beyond eight calendar days and a doctor's Fit Note to Work is provided then the entire absence (including the first seven days) is deemed to be certified.*

*Any absence not covered by a Fit Note or self-certification will be recorded as unauthorised absence. The employee will receive zero pay for all unauthorised days absence until a certified fit note is provided. Cases of unauthorised absence may be managed in line with the Astrea disciplinary policy.*

*It is the responsibility of the academy to provide a minute taker and produce accurate minutes at all stages of the short-term absence process.*

## 9.2 Stage 1

Where an employee has reached one or more of the absence triggers, the Principal / Senior Leader or nominated person, should review the employee's sickness absence records and arrange for a formal stage 1 meeting to take place.

The employee will be informed in writing, providing at least five working days' notice of the meeting date. A representative from the Central HR Team is not required to attend the stage 1 meeting. However, they can attend by agreement of all parties. Consideration should be given to the circumstances of the case. If the absences are work or disability related then an HR presence is recommended.

Where an employee is too unfit to attend, consideration will be given to holding the review in a different manner. For instance, by a telephone conversation with the employee or their union representative.

Consideration will also be given as to the location of the meeting in particular in cases where the illness/injury giving rise to the absence is work related.

The written notification will contain the following information:

- The date, time and venue of the stage 1 meeting.
- An outline of the concerns/health issues.
- The possible consequences.
- Copies of any relevant documentation .
- The employee's statutory right to accompaniment by either a work colleague or trade union representative.

The meeting should take regard to a number of factors including:

- The pattern of absence.
- Specific details of the cause of the absences.
- Their record and general sickness absence levels.
- Identification of any work-related factors.
- Whether the employee has consulted a doctor.
- Additional support that can be provided (e.g. counselling).



It may be appropriate to include the line manager in any discussion where they are not the nominated person.

In the case of the Principal / Senior Leader being the subject of the meeting, an appropriate member of the Astrea will conduct the meeting.

If an employee prefers not to discuss their medical condition with the nominated person because of the sensitive or personal nature of the information, or if the employee objects to the nominated person, they may request to be referred to another person.

During the meeting, the Principal / Senior Leader, or nominated person, will seek to agree with the employee an appropriate course of action.

Some of the options for consideration are:

- To implement a 12-week review period where the improvements required will be clarified and agreed. The aim would be to have zero absence. However, individual circumstances will be taken into account when setting the required improvements.
- To attempt to resolve any working difficulties or welfare problems.
- To advise the employee to consult their GP.
- To seek an improvement in the level of absence.
- To consider reasonable adjustments in line with the Equality Act 2010.
- To obtain advice from Astrea HR on whether to refer to Occupational Health Service and counselling.
- To consider agreement with the employee of a transfer to another post within Astrea, following consultation with the Principal / Senior Leader (this option should only be chosen where it is felt that their sickness absence record is specifically attributable to workplace/occupational factors or disability and a suitable alternative vacant post is available).

It is important to recognise that a disabled employee's absence may require adjustments and flexibility around the implementation of this policy to ensure equality of access to work. The provisions set out within the Equality Act 2010 should be followed at all times. Astrea accepts that disabled employees may require amendments to absence levels. Such amendments for disabled employees may be deemed a reasonable adjustment and will be considered on a case by case basis. In cases with disabled employees, Occupational Health will be considered at the earliest opportunity.

The Principal / Senior Leader, or nominated person, wherever possible should advise the employee verbally of the outcome of the meeting, including details of any improvements required, actions to be undertaken and any review period. This will be confirmed in writing to the employee within five working days of the meeting

### **9.3 Stage 1 Review**

The review should specifically address all the issues raised at the previous meetings and any new issues that may have arisen or come to light.

The three-month review period will be explored with the employee and a decision will be made as to the next steps of the process. If the relevant improvements have been achieved, then the employee will be removed from formal monitoring at this stage. However, if further absences occur in the following twelve-month period then the employee will be liable to return to the stage 1 review stage within the twelve months' period.

An extension of the stage 1 review period may also be agreed with the employee.

The stage 1 review period can be extended upon agreement by all parties.

Where an attendance record has not improved significantly, and no acceptable mitigating circumstances have been identified, the employee should be told that the matter will be referred to stage 2 of this policy and procedure. This should be confirmed in writing to the employee within five working days of this meeting taking place.

The stage 2 meeting should be held on a different date to the stage 1 review meeting giving at least five working days' notice.

#### **9.4 Stage 2**

Where absences have continued at an unsatisfactory level despite the actions taken at Stage 1, a further meeting should be arranged to explore the reasons for continuing absence.

If an employee is progressed to a Stage 2 meeting, they will be informed in writing that they are being invited to a stage 2 absence meeting. This will provide the employee with at least five working days' notice of the meeting date which will be held at a mutually convenient and agreed date, time and venue. The written notification will also contain the relevant information as outlined at stage 1.

It is recommended that a Astrea HR representative should be present at this meeting to advise the Principal / Senior Leader, or nominated person.

It should be explained at the meeting that the instances of sickness absence continue to give cause for concern despite previous efforts at Stage 1 to secure an improvement. The employee, or their representative, should be given the opportunity to respond.

The following points should be considered at the meeting:

- The overall sickness absence record.
- Any medical evidence available.
- Any mitigating factors or explanations presented by the employee.
- The likelihood of an improvement.
- The list of options also considered within stage 1.

Some of the options available for additional consideration are:

- To implement a 12-week review period where the improvements required will be clarified and agreed. The aim would be to have zero absence. However, individual circumstances will be taken into account when setting the required improvements.
- To attempt to resolve any working difficulties.
- To defer a decision pending a report from Occupational Health and/or a Doctor nominated by Astrea (who may be their own GP).
- To consider transfer to another post.
- To formally notify the employee that their attendance record is unacceptable.

The Principal / Senior Leader, or nominated person, wherever possible should advise the employee verbally of the outcome of the meeting, including details of any improvements required, actions to be undertaken and any review period. This will be confirmed in writing to the employee within five working days of the meeting. The letter should confirm that failure to improve to an acceptable standard of attendance by the end of the review period may result in the employee's absence being dealt with at a formal stage 3 hearing, and that this includes consideration of their future employment.

### **9.5 Stage 2 Review**

It is recommended that a representative of the Central Team HR function be present to provide advice.

The review should specifically address all the issues raised at the previous meetings and any new issues that may have arisen or come to light.

If attendance is deemed to be acceptable the procedure will end, but if, at any time within a twelve-month period their attendance again falls below an acceptable level, the Principal / Senior Leader, or nominated person, may reintroduce the formal procedure commencing at the same point.

The stage 2 review period can be extended upon agreement by all parties.

Where an attendance record has not improved significantly, and no acceptable mitigating circumstances have been identified, the employee should be told that the matter will be referred to a formal stage 3 hearing where consideration will be given to their future employment. This should be confirmed in writing to the employee within five working days of this meeting taking place.

**Stage 3: Ill Health Hearing, see Section 11.**

**IT IS RECOMMENDED THAT IN ALL CASES, ADVICE IS SOUGHT FROM ASTREA HR BEFORE TAKING ANY ACTION UNDER THIS STAGE OF THE PROCEDURE.**

## **10. Long Term Sickness Absence**

*It is the responsibility of the academy to provide a minute taker and produce accurate minutes at all stages of the long-term absence process.*

### **10.1 Absence Triggers**

Long term sickness absence is a continuous absence of four consecutive weeks or more. Given that many cases of long term sickness absence involve substantial personal and medical confidentiality it is important that Astrea HR is involved at the initial stages. Trade Unions will also be included at the employees request.

### **10.2 Welfare Meetings**

Welfare meetings are optional. The need for a welfare meeting should be discussed during a welfare call between the second and fourth week of sickness absence. The welfare call should take place between the absent employee, the Principal/Senior Leader or nominated person. If agreed by all parties, and depending on the details of the absence a nominated Trade Union Representative can take the call on behalf of the employee in extreme circumstances. If the reasons behind the illness deem a welfare call or welfare meeting inappropriate then the reasons for this should be made clear. Welfare meetings or calls are not intended to add any additional pressure, they are an informal way of ensuring that positive communications can exist prior to an employee entering the long-term sickness process.

Contact by the Principal / Senior Leader, or nominated person should have been maintained during the absence between the start of the absence and up to the point that four weeks' continuous absence occurs.

The nominated person should agree with the employee the method of contact that they wish to be used by the nominated person. This can be any of the following:

- Telephone.
- Text message.
- Email (to personal or workplace email address).
- Post.

In cases where it is deemed that direct contact with the employee may or could have a negative impact on their condition and/or recovery, consideration will be given to contact being maintained via the employee's Trade Union Representative.

The Principal / Senior Leader, or nominated person, may contact the employee to arrange a welfare meeting to:

- Establish the medical condition and if necessary, report to Astrea HR who may advise that an independent medical opinion is obtained.
- Discuss a possible date for return to work.
- Discuss any reasonable adjustments to assist a return to work.
- Establish any additional support that maybe required to enable a return to work.

Any welfare meeting must be undertaken in a supportive context and should not be regarded in any way as threatening or 'policing' the situation. Information regarding change in work practice, developments in Astrea, or news bulletins may be given which will keep the employee up to date and involved with the work situation. The value is in encouraging the employee to think positively about a future return to work and any special arrangements that might need to be made.

Where an employee is too unfit to attend, consideration will be given to postponing the meeting or holding the review in a different manner. For instance, by a telephone conversation with the employee or their union representative.

An employee who prefers not to discuss their medical condition with the Principal / Senior Leader, or nominated person, because of the personal or sensitive nature of the illness, or if the employee objects to the nominated person, they may request to be referred to another person.

The nominated person should contact the absent employee via the agreed method (where the contact is by phone any arrangements should be confirmed in writing) to propose a convenient date, time and venue for the welfare meeting and give them the opportunity to have, if they wish, a trade union representative or work colleague with them.

Where possible, the welfare meeting should take place in the normal workplace. If the employee does not feel that this is appropriate, an alternative location may be mutually agreed.

It is advisable that either the line manager, trade union representative or work colleague of the employee accompanies the nominated person at the welfare meeting, to ensure that they are always attended by two people.

Preparation prior to the welfare meeting should be carried out, gathering facts about:

- Medical evidence/background.

- Sick pay entitlements.
- Alternatives available for them to consider.
- Arrangements for medical assessment, if appropriate.
- Booking diary appointments for subsequent visits.

The welfare meeting should take the format of establishing the health and welfare of the employee and for the Principal / Senior Leader, or nominated person, to assess the possible time of absence.

The intention of the welfare meeting is to keep contact with the employee in a constructive way before meeting for the stage 1 meeting. If the circumstances surrounding the employee's absence suggest that a welfare meeting is not appropriate this can be confirmed by all parties.

For any long-term absence meetings under this procedure, employees can request that they are held at an alternative venue if access to their workplace is difficult due to the cause of their absence.

### **10.3 Stage 1**

If the absence goes beyond four weeks and the welfare meeting was unsuccessful in helping the employee back to work, or the employee's reasons for sickness absence simply do not enable a return to work a formal stage 1 meeting will be arranged in the same way as the short-term stage 1 absence meeting is held.

### **10.4 Stage 1 Review**

The Stage1 review meeting will be held 12 weeks after the stage 1 meeting. The stage 1 review meeting will be held in the same way as outlined in the stage 1 short term sickness absence process.

If the agreed improvements in sickness absence levels have not improved to the agreed levels that were agreed at the stage 1 meeting then a stage 2 meeting will be arranged.

If the agreed improvements have been met, then the employee will be removed from the formal process. However, if sickness absence triggers are hit again in a 12-month period they will return to process at this stage.

An option to increase the stage 1 review period may be agreed by all parties.

### **10.5 Stage 2**

A stage 2 meeting will be held in the same way as outlined in stage 2 of the short-term sickness process. However, the zero-absence target outlined in the short-term sickness absence may not apply to long term sickness absence. An agreed improvement target will be set based on a case by case basis.

### **10.6 Stage 2 Review**

The stage 2 review meeting will be held 12 weeks after the stage 2 meeting. The stage 2 review meeting will be held in the same way as outlined in the short-term sickness process.

If the agreed improvements in sickness absence levels have not improved an Ill Health Hearing will be arranged.

If the agreed improvements have been met, then the employee will be removed from the formal process. However, if sickness absence triggers are hit again in a 12-month period they will return to process at this stage.

An option to increase the stage 1 review period may be agreed by all parties.

**Stage 3** – Ill health hearing. See section 11

### **10.7 Referral to Occupational Health**

Prior to any Ill Health Hearing taking place, the employee should be referred to Occupational Health so that the Ill Health Hearing panel/Employee have an up to date medical opinion on the case.

### **10.8 Options/Actions Available**

Where an employee is absent due to long term sickness, the Principal/Senior Leader, or nominated person, must maintain contact throughout the procedure with Astrea HR in order to consider potential options at relevant stages.

Possible options available are:

- Establish the nature and likely duration of any medical condition using the diagnosis from the Occupational Health Service and the employee's fit note.
- Establish the support needs of the employee, in relation to medical conditions, but also with regard to any working difficulties and any personal or emotional difficulties, and consider any reasonable adjustments that could be made to enable the individual employee to return to work.
- Establish a need for alternative employment. If, after consultation with Occupational Health it becomes apparent that the employee is either permanently unfit to return to their existing post, or there is no prospect of return within a reasonable timescale in the foreseeable future, then consideration should be given to finding suitable alternative employment where practicable. Initially, the alternative posts should be sought within the normal workplace location.
- Consider an employee's request for ill health retirement. Where the employee has approached Astrea to request ill health retirement, the matter should be discussed with the employee and support and advice will be provided to the employee accordingly. The employee will also be advised to discuss the matter and seek advice from their union representative.
- Consider a phased return to work. Where an employee has been absent from work on long term sickness Astrea may consider allowing a return to work on a part-time basis where this would facilitate an earlier return to work than would have otherwise been the case. It may be appropriate to seek guidance via Astrea HR from Occupational Health on whether a phased return to work will be beneficial. During any period of phased return unworked time should be regarded as authorised paid absence rather than sick leave. Employees will receive normal pay during the first four weeks of a phased return to work. Where it is agreed to extend a phased return beyond this period, the employee will be paid for the hours that they work. Following a successful phased return to normal working hours the employee will return to their normal pay.
- In cases of mental ill-health, stress, depression, anxiety a stress risk assessment (Appendix 4) should be carried out at the earliest possible stage of the absence period.

The above options should have been fully considered by the time a case arrives at a stage 3 ill health hearing.

## **11. Ill Health hearing**

### **11.1 Notification of a Formal Hearing**

The employee will be informed in writing, providing at least ten working days' notice, of the hearing date.

The written notification will contain the following information:

- The date, time and venue of the ill health hearing.
- An outline of the concerns.
- The potential for dismissal to be an outcome of the hearing.
- Copies of any relevant documentation.
- The employee's statutory right to accompaniment by either a work colleague or trade union representative.
- All parties' ability to produce any documents in evidence or references/testimonials, at least ten working days before the hearing takes place.
- All parties' requirement to provide names and status of any witnesses to be called at the same time as any documentary evidence.

Where the hearing date is postponed at the request of the employee or their representative, only one further hearing date will be arranged. The alternative date should be within ten working days of the original hearing date. In the event of the employee being unable to attend the second date arranged, the Principal / Senior Leader may go ahead with the hearing in the employee's absence based on the evidence available. The employee would have the option of written representation in their absence.

## **11.2 The Hearing**

The Principal/Senior Leader who have managed the sickness case up to the Ill Health Hearing will not be present at the hearing. The Principal / Senior Leader (Not those involved in the management of the case up to the Ill Health Hearing) will hear cases in accordance with this procedure with one member of the Local Governing Body (LGB). Where the hearing involves the Principal / Senior Leader, a member of the Astrea Executive Board will hear the case with one member of the LGB. In all cases, a Astrea HR representative will also be present to advise the panel. Where the hearing concerns a member of the Astrea Central Team two appropriate members of the Astrea central Team will hear the case. This will not consist of the same Astrea Central Team member who managed the case up to the Ill Health Capability Hearing.

The Principal / Senior Leader is responsible for ensuring a note taker is present at the hearing to take formal notes.

In deciding what action to take, the Principal / Senior Leader will take account of:

- The overall sickness absence record.
- All records of discussions with Nominated Person/Astrea HR.
- The likelihood of a change in the attendance record.
- The availability of suitable alternative work.
- Whether the absence is work related.
- Whether any reasonable adjustments could be made which would enable the employee to return to work.
- Any medical evidence available.
- Any mitigating domestic circumstances.

In the light of the evidence available and the above considerations, the Principal / Senior Leader may decide on one of the following options:

- To take no action but to adjourn the hearing and re-convene after an extended period of review that is agreed at the hearing.

- To defer a decision pending further investigations/medical report.
- To make the decision that the employee's contract of employment is terminated with notice on full pay following consideration of all available facts and information.

### **11.3 Implementing the Action**

The Principal / Senior Leader, wherever possible, should advise the employee verbally and confirm their decision in writing not later than five working days after the hearing.

The written notification will contain the following information:

- Specify the action being taken (\*) and the reasons for it.
- State, if appropriate, the period given for improvement which is expected.
- If appropriate, indicate the likely consequences of further absence.
- If dismissed inform the employee of their right to appeal within ten working days of receiving the written confirmation.
- State to whom the appeal should be made (the relevant ASTREA HR Representative).

\* If it is decided to terminate the employee's contract of employment the full contractual period of notice, on full pay, will be given.

### **12.0 Right of Appeal**

Every employee has the right to appeal against the outcome of an ill health hearing they may choose to do so on any number of grounds. The appeal hearing will focus only on the grounds of the appeal which the employee raises within their letter of appeal. The Astrea ill health appeal proforma can be found at appendix 2.

An appeal panel composed of two ASTREA Executive Board members and one member of the Local Governing Body (No member of a Local Governing Body is required on the panel of for an Astrea Central Team member) will hear any appeal against ill health capability action. In cases where the Principal / Senior Leader is the subject of the appeal hearing, the appeal hearing will be heard by an appeal panel composed of two ASTREA Executive Board members alongside the Chair or Deputy Chair of the LGB. If ASTREA Executive Board members were used at the original ill health dismissal hearing, it must be different ASTREA Executive Board members at the appeal hearing. In all cases, ASTREA HR will be also present to advise.

The appeal should be made in writing to the ASTREA HR Advisor to the hearing within ten working days of the receipt of the written confirmation of the ill health hearing, clearly outlining the grounds of appeal.

The employee will be informed in writing, providing at least ten working days' notice of the date of the appeal hearing.

The person conducting the hearing is responsible for ensuring a note taker is present at the hearing to take formal notes.

The process for an ill health hearing can be found at appendix 3.

#### **12.1 Action available to the Appeal Panel**

In the light of the facts and evidence presented, the Appeal Panel may:

- Confirm the original decision.
- Uphold the appeal and take no further action.



- In the case of dismissal, uphold the appeal and reinstate the employee at either their previous place of work in their previous role or at a suitable alternative place of work in a suitable alternative role.
- Take any other course of action as may be appropriate in the circumstances.

### **12.2 Notification of decisions made by the Appeal Panel**

Wherever possible, the appeal panel will convey their decision verbally and this decision will be confirmed to the employee, in writing, not later than five working days after the hearing. This letter will also confirm that this decision is final and there is no further right of internal appeal.

### **13. Sickness Absence Records**

The Principal / Senior Leader, or nominated person, should ensure that all instances of sickness absence are documented appropriately and countersigned as necessary.

In conjunction with payroll, they should ensure that individual sickness records are kept confidentially for every employee, showing details of absences, reasons, and whether they are self-certified or medically certified. Individual records should be updated after each absence and reviewed on a regular basis. By maintaining accurate records, the scope for dispute when dealing with sickness absence cases under the policy will be minimised.

### **14. Confidentiality**

All meetings and any subsequent capability/appeal hearings will be dealt with in the strictest of confidence. The Principal / Senior Leader (or ASTREA Directors) should not discuss a case with anyone other than a ASTREA HR Advisor.

### **15. Review**

This policy will be reviewed every three years, or when there are changes to relevant legislation.

## Appendix 1 – Procedure for an Ill Health Hearing

**NB: This Procedure can be varied by agreement by both parties, for example where mitigation is the body of the main case.**

### 1. Preliminaries

- Introductions, identification of panel members, employee, representative, HR support, Note taker.
- Where witnesses are called, they are only present for the period of questioning. As the Principal/Senior leader who managed the case up to the Ill Health Hearing will not form part of the hearing all parties after reviewing the investigation pack may wish to call the Principal/Senior Leader as a witness to answer specific questions. The Principal/Senior Leader will not present the case.
- Notification to all present to switch off mobile phones and other electronic devices for the duration of the hearing including any adjournments. Where participants leave the room for adjournments/deliberations, they must take all personal belongings with them.

The sickness absence pack will be referred to throughout the hearing.

### 1. Employee's case

- Employee/representative presents his/her case by giving an account of the details around their sickness absence that has led to the employee's case being brought to a hearing.
- The Panel has the opportunity to ask questions of the employee/representative and any witnesses that have been called.
- Employee/representative builds their case by stating key facts, drawing the panels attention to the facts around their key issues and mitigation.
- Further questions if necessary from the Panel/HR Support
- Further questions if necessary from all parties
- Present any mitigating factors. For long term sickness cases the focus will be around the details of the specific absence. For short term persistent absence details around each absence and the general picture of the combined absences.
- Witnesses may be called as long as all attendees are aware of the intention to call witnesses by no later than 2 days before the hearing

### 2. Panel's opportunity

- The panel asks any further questions that have not already been asked. Further witnesses may also be called by either party.
- Employee/representative have the opportunity to question the Panel and witnesses.

### 4. Summing up

- The Panel has the opportunity to sum up their understanding of the case.
- The employee/representative has the opportunity to sum up their case. A closing statement may be read out at this stage.
- Before the adjournment all parties should be satisfied that there are no further points of clarification needed.

- It should be agreed by all parties that the timing is right to adjourn, allowing the panel time to make their decision.

#### **5. Adjournment and deliberation will take place**

- The employee/representative, and note taker to withdraw
- Panel to consider the facts presented to them and to determine whether ill health dismissal (or not) is the correct decision.
- A decision will be made by the panel.

#### **6. Hearing reconvened following the adjournment.**

- The panel verbally states their decision. If dismissal - the right to appeal the decision should there be any sanction imposed is verbally communicated. The decision will be confirmed in writing within five working days of the date of the hearing, including the right to appeal.
- The hearing may also be adjourned at the deliberation stage in order to allow for further investigation if the Panel feels that there are points that require clarification. If this is the case a mutually agreeable date will be agreed by all parties to reconvene.

**Appendix 2 – Ill Health Procedure Appeal Proforma**

Name: .....		Trade Union:.....	
Post title:.....		Union Representative Name and Contact details: ..... .....	
Date of Hearing:.....			
Decision:..... ..... .....			
Date letter issued:.....Date letter received:.....			
<b>The grounds for my appeal are (Please refer to the Appeals section of the policy for the various grounds of appeal):</b> ..... ..... ..... .....			
Continue on a separate sheet if necessary. Please ensure that additional sheets are signed, numbered and dated.			
Signed:.....			
Date:.....			
Please return this pro-forma within five working days of receipt of the decision letter to: The HR Representative who was present at the hearing. Insert address and email contact Time limits for the appeal will be strictly observed			

## **Appendix 3 – Procedure for an Ill Health Appeal Hearing**

### **1. Preliminaries**

- Introductions, identification of panel members, employee, representative, HR support, Note taker.
- Explanation by the panel of the Appeal hearing process.
- Where witnesses are called, they are only present for the period of questioning. The ill health hearing panel and the Investigating Officers will not be formally attending the hearing. However, both parties are able to call the Investigating Officer and/or the ill health hearing panel to answer specific questions or to clarify any details.
- Notification to all present to switch off mobile phones and other electronic devices for the duration of the hearing including any adjournments. Where participants leave the room for adjournments/deliberations, they must take all personal belongings with them.

### **2. Running order**

- Employee/representative to put his/her case and call witnesses where required.
- Panel members to have the opportunity to ask questions of the employee/representative/witnesses.
- Employee/representative to sum up their case for appeal (no new evidence should be submitted at this point).
- Employee/representative and to withdraw taking all personal belongings with them.
- Appeal panel to consider the facts presented to them and reach a determination which they will relay to all parties verbally (wherever possible) this will be confirmed in writing within five working days of the appeal hearing.
- The appeal hearing may also be adjourned at the deliberation stage in order to allow for further investigation if the panel feels that there are points that need clarification. An opportunity may be given to re-examine the evidence/witnesses.
- The decision of the appeal panel is final.