



# **Absence Management Policy & Procedure**

**Last Update: November 2019 V 1.0**

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## Document Control

### Changes History

Version	Date	Amended by	Recipients	Purpose
1.0	November 2019		All Plymouth CAST	New Policy

### Approvals

This policy requires the following approvals:

Board	Chair	CEO	Date Approved	Version	Date for Review
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	October 2019	1.0	September 2020

### National/Local Policy

This policy must be localised by Academies

This policy must not be changed, it is a CAST/National Policy (only change logo, contact details and any yellow highlights)

### Position with the Unions

Does the policy require consultation with the National Unions under our recognition agreement?

Yes  No  If yes, the policy status is:  Consulted and Approved  Consulted and Not Approved

Awaiting Consultation

### Distribution

This draft document has been distributed to:

Position	Date	Version
All CAST Central employees, CAST Headteacher, CAST Directors, JCC	4 <sup>th</sup> November 2019	1.0

## **1. Vision and Values**

- 1.1 Plymouth CAST is a multi-academy trust of Catholic schools which is part of the mission of the Catholic Church dedicated to human flourishing and the building of a kingdom of peace, truth and justice. The Trust is to be conducted in all aspects in accordance with canon law and the teachings of the Roman Catholic Church and at all times to serve as a witness to the Catholic faith in Our Lord Jesus Christ.
- 1.2 Our vision and values are derived from our identity as a Catholic Trust. Central to our vision is the dignity of the human person, especially the most vulnerable. Our academies are dedicated to providing an education and formation where all our pupils and young people flourish in a safe, nurturing, enriching environment. All governors in our academies are expected to be familiar with the vision, mission, values and principles of the Trust and not in any way to undermine them. They should support and promote the vision and conduct themselves at all times in school and on school business according to the vision and principles of the Trust
- 1.3 Plymouth CAST expects all its employees to recognise their obligations to each school within the Multi-Academy Trust, the public, pupils and other employees and to provide consistently high standards of education and performance at all times and in accordance with Plymouth CAST's vision, mission and principles.

## **2. Purpose**

- 2.1. The aspiration of Plymouth CAST is that our employees enjoy what they do and want to come in to work.
- 2.2. A satisfactory level of attendance at work by employees is crucial to the success of the educational service we provide. It also reflects an appropriate level of management expertise in ensuring that working conditions are conducive to maintaining staff morale and that there is a desire by staff to share and contribute to the aims and interest of the Plymouth CAST Multi-Trust Academy.
- 2.3. The health and welfare of all our staff is important. We want to ensure that where people are ill they are treated with dignity. All will endeavour to ensure that any employee's sickness absence is handled in a fair and equitable manner whilst recognising that every illness is different and will need to be managed uniquely.
- 2.4. Plymouth CAST recognises that employees are the key to delivering the best possible education to children and that the health and well-being of all of our staff is important in enabling our Schools to do this.
- 2.5. To achieve high quality and efficient education and good employee relations the purpose of this policy is to:

- 2.5.1. set out the framework for a clear and supportive application for managing absence across the Plymouth CAST Multi-Trust Academy;
  - 2.5.2. ensure the fair, consistent and empathetic approach to employees in the management of sickness absence;
  - 2.5.3. give clear guidance on how managers should support and encourage reliable attendance at work; and
  - 2.5.4. Promote effective management of sickness absence and ill health.
- 2.6. If there is a concern that an employee's absences from work are not related to sickness, other appropriate procedures may be followed. Part C: Section Three of this policy must be referred to in these circumstances.

### **3. General Principles**

- 3.1. Never ignore sickness absence
- 3.2. Always monitor attendance
- 3.3. Ensure short term absences do not go unnoticed
- 3.4. Take prompt, supportive action if the absence is work related
- 3.5. Keep accurate, up to date employee attendance records
- 3.6. Develop and maintain an atmosphere that encourages people to come to work
- 3.7. Deal with each person as an individual
- 3.8. Handle attendance concerns sensitively in a supportive manner
- 3.9. Treat all employees fairly and consistently
- 3.10. Seek support and guidance from HR / school business managers as appropriate

### **4. Equal Opportunities**

- 4.1. The absence management policy must always be applied fairly and in accordance with employment law and Plymouth CAST Equal Opportunities Policy including the duty to make reasonable adjustments for disabled employees.

### **5. Responsibilities**

- 4.1. The day to day operation of each Plymouth CAST school is the responsibility of the Headteacher, with support and challenge being provided by the Local Governing Board and this is discharged through each school's Senior Management Team. It is important that pupils, staff, parents and local stakeholders recognise and support this. However, ultimate accountability for Plymouth CAST as a whole Multi-Academy Trust rests with the Plymouth CAST Board. Therefore any decisions that have an impact on resources, such as staffing, structures, or compliance must be referred to the Plymouth CAST Board if they exceed delegated authority. This is essential to ensure that the legal obligations of

Plymouth CAST are met and that the Trust maintains robust systems and processes that deliver effective governance.

- 4.2. It is the school Education and Standards Manager's (ESM's) responsibility to work closely with the Headteacher and management team to ensure everyone concerned has a full and accurate picture of each school's strengths and any areas for improvement. ESMs will work with schools to identify strategies for improvement, with support, where appropriate, from within the Plymouth CAST network.
- 4.3. It is the role of Plymouth CAST HR (and where appropriate, the school Business Manager) to provide clear HR policies, procedures and guidance, to support schools in the delivery of consistent and high standards of performance within a dignified working environment, in which all employees can take pride and enjoyment in their work.
- 4.4. Appendix 1 provides examples of Delegated Responsibilities and Panel Formations.
- 4.5. Management and employee representatives who may be involved in absence matters should be trained and competent for the task. They should be familiar with the provisions of the Absence Management Policy, and know how to conduct or represent at absence review meetings.
- 4.6. ESMs and HR should be informed about matters which might lead to a formal procedure. For any panel hearing the school must ensure an HR Adviser is aware of the process and in attendance, or have delegated attendance to a suitably qualified staff member.
- 4.7. An employee has the right to request representation from their trade union or a work colleague at attendance review meetings. Employees are encouraged to contact their trade union representative at the earliest opportunity for guidance.

## **6. Sickness Notification Procedure**

- 5.1 Employees are under a contractual obligation to follow the correct reporting procedures for any absence from work through illness or injury as detailed below.
- 5.2 **Day 1:** On the first day of absence, the employee must:
  - contact their line manager, or another manager if their manager is unavailable;
  - give as much notice as possible of their absence, particularly where cover will need to be arranged;
  - provide notification no later than 30 minutes prior to the commencement of the school or office day;
  - make contact in person by telephone, except in exceptional circumstances (text or email is not acceptable).
- 5.3 The employee should give details of their illness or injury and indicate how long they might be away from work.

- 5.4 Employees should be aware that all absences need to be reported and in particular where the absence is a result of an accident at work, the employee should confirm this and whether the accident reporting procedures have been followed.
- 5.5 Depending on the anticipated duration of the absence, the manager and employee should agree when further contact will be made to either discuss a return to work or notify them of the continued duration of their absence.
- 5.6 **Day 8:** Employees who are sick for more than 7 days (including non-work days) must:
- contact their manager and advise them when they will be seeing their GP;
  - make arrangements to provide a copy of their Fit Note (in order to be eligible for statutory and contractual sick pay); and
  - make arrangements to inform / discuss with their manager the advice given by their GP including the likely duration of their absence
- 5.7 If the employee's absence continues beyond the date given by their Doctor, further concurrent medical certificates must be provided. The employee must provide a final doctor's certificate confirming their fitness before returning to work.
- 5.8 Where there is an unacceptable delay in providing a GP Fit Note, statutory sick pay will be back dated but not contractual pay.
- 5.9 Employees should be aware that if they do not make contact, their Manager will be in contact with them.
- 5.10 Employees will be required to complete a Sickness Self Certification on their return to work for the first 7 calendar days of any period of absence.
- 5.11 Support staff who are in receipt of year round contracts and are sick during annual leave should follow the notification procedure described above. Annual leave within the current leave year will be reinstated only on the prompt production of a doctor's medical certificate and employees must produce a medical certificate within 7 working days. The employee will be regarded as being on sick leave from the date of the doctor's medical certificate. The cost of this certificate will be met by the School.
- 5.12 Employees who fail to follow the notification procedures described above or provide misleading or false statements may face deductions from pay, and/or disciplinary action. Part C: Section Three of this policy must be referred to in these circumstances.
- 5.13 All employees will receive a copy of the Sickness Notification Procedures upon commencing employment. This will also form part of any induction programme to ensure that the employee is clear about their responsibilities.

## **7. Maintaining Contact**

- 7.1. Where the duration of absence continues, the line manager will maintain contact with the employee to offer appropriate support, monitor progress and to consider whether the Occupational Health Service can provide additional advice and support to both themselves and the employee.
- 7.2. Where the employee's absence due to ill health exceeds 4 calendar weeks this is defined as being **long term sickness**.
- 7.3. Plymouth CAST recognises that maintaining contact often helps employees to return to work more quickly after long term absence. It is recognised that sensitivity is required when communicating with employees who are unwell and that they must be treated fairly, with dignity and respect. There is an expectation that Headteachers or line managers will maintain regular contact with employees who are absent. Contact arrangements should be discussed and agreed and will depend on the circumstances of the person's ill health. In addition to formal absence reviews, contact will usually be at least monthly by telephone. Managers will need to be sensitive to the nature and amount of contact so that it is informative and supportive.
- 7.4. In exceptional circumstances, an assessment of the most appropriate way of maintaining contact with the employee should be made. Options will include the involvement of the Headteacher/ line manager or their nominated representative, the school's HR Adviser or the employee's Trade Union representative.
- 7.5. Where the employee has been sick for a period of at least 4 weeks, the Headteacher or their nominated representative will review the circumstances in liaison with the school's HR Adviser and will consider seeking advice and support from the Occupational Health Service if this has not already taken place. This will ensure that the school is fully informed and that any decisions taken are in the best interests of both the school and the employee. A similar review will be undertaken every 4 weeks in cases of long-term sickness. Due regard will be taken of any exceptional circumstance. The Headteacher or their nominated representative should ensure that there is communication with the employee before any referrals are progressed.
- 7.6. The Headteacher or their nominated representative may offer to visit or meet with the employee on neutral ground with the prior agreement of the employee. It may also be appropriate for an HR Adviser to accompany the Headteacher or manager. Similarly, the employee may be accompanied by a Trade Union or other representative.

## **8. Return to work discussion**

- 8.1. A return to work discussion must be completed after every absence. This is an informal discussion with the employee and must normally take place on the employee's first day



back at work. The discussion should usually be with the employee's line manager or other manager if the employee's manager is unavailable. If the employee requests that the interview be conducted by a person of the same sex to avoid embarrassment or some other discomfort, such a request will be accommodated where possible.

8.2. Discussions will be carried out in an empathetic way and in private. The employee should complete the sickness declaration form prior to the return to work interview and the manager will ensure information regarding the employee's sickness record has been obtained in advance of the interview.

8.3. When holding a return to work interview, managers will approach this in a supportive manner. Employees returning from sickness absence, especially prolonged sickness absence, may be feeling sensitive and concerned about their return and line managers should bear this in mind in their conversations. The purpose of a return to work discussion is for the manager to:

- Welcome the employee back to work and update them of anything they missed whilst absent
- Enquire about the employee's current state of health
- Agree with the employee that they are fit to carry out their duties, or if not:  
Consider whether there needs to be an adjustment of duties (if this has not already been put in place.
- Clarify if there is any underlying health problem
- Where appropriate, offer the employee advice and support. This could include:
  - Advising the employee of the assistance which may be obtained from HR.
  - Changing working arrangements either temporarily or permanently.
  - Identifying training needs.
  - Identifying other factors affecting performance
- Discuss notification procedures/accident reporting procedures where these have not been followed.
- Consider whether the advice or support of the Occupational Health Service may be helpful.
- Advise the employee whether it will be necessary to take any other action.
- In cases of long-term sickness (4 weeks or more), confirm the return to work assessment has taken place, if appropriate.

8.4. A record of the return to work discussion, including details of any agreed actions, must be kept on the employee's personnel file for any future referenced and a copy given to the employee.

## 9. Occupational Health Advice

- 9.1. A referral to Occupational Health may be made at any time where there is a concern about an employee's health and/or attendance record, with the consent of the employee. This is a beneficial supporting mechanism for both the employee and their manager in helping the employee gain the opinion and advice of a medical professional.
- 9.2. A referral should be made by the Headteacher or line manager to Occupational Health if the level, pattern or type of sickness absence warrants further medical information, or where the employee has been absent through sickness continuously for 4 weeks or more and a referral is considered appropriate.
- 9.3. The purpose of making referrals to Occupational Health is:
- To assess an employee's fitness for work, identify any underlying medical issues and provide an opinion on likely future attendance.
  - To seek advice and guidance on whether any reasonable adjustments could be made to enable an employee to carry out the duties of their role.
  - To seek advice and guidance on whether the employee would benefit from returning to work on a rehabilitation programme, such as a phased return to work
  - To seek advice and guidance on absences that have been work related.
  - To seek advice on whether an employee is considered to have a disability under the Equality Act.
  - To seek whether any other measures could be undertaken to facilitate a recovery and a return to work.
  - To assist with the management of short term sickness absences.
  - To assist with the management of long term absence.
- 9.4. It is strongly recommended that any absence related to stress, muscular-skeletal or mental health is referred to occupational health no later than week four from the start of the employee's absence. This is because of the likelihood that these conditions will either be recurrent or develop into long term health problems if the employee is not supported at an early stage.
- 9.5. It is also a requirement that a recent occupational health report is available for the absence review meetings at 12 and 20 weeks and before a hearing is held.
- 9.6. Following the assessment, a report will be sent to the Headteacher or line manager and the employee (with a copy to HR). The report will include professional advice and

medical opinion regarding current health issues, advice regarding reasonable adjustments and any recommendations that can be given.

- 9.7. If an employee refuses to give their consent to an Occupational Health referral or does not attend appointments made, the employee should be made aware that non-attendance or refusal to co-operate may have an impact on employment decisions as these will be made without the benefit of medical advice. The benefits of the involvement of Occupational Health as a supporting mechanism should be explained to the employee to aid their co-operation.

## **10. Equality Act**

- 10.1. In accordance with the Equality Act 2010 , where an employee has indicated or other evidence suggests, that they are a person with disabilities, the following options must be considered:
- “reasonable adjustment” to allow the individuals performance to meet the requirements of the post.
  - Redeployment to a post which, after “reasonable adjustment” would be more suitable.
- 10.2. The manager or their nominated representative must seek advice on what contributes a “reasonable adjustment” by referring the employee to the Occupational Health Service for medical advice regarding the adjustment or by seeking advice from HR.

## **11. Right to be accompanied at meetings**

- 11.1. Employees have the right to be accompanied by a trade union representative or work colleague at attendance review meetings, dismissal meetings and appeal hearings. There is no right to representation at a Return to Work or Informal Discussion.

## **12. Attendance review meetings (Managers will have support from HR or School Business Managers at all review meetings and employees have the right to be accompanied by a trade union representative or work colleague).**

- 12.1. Where the following levels of sickness absence arise, the manager should invite the employee to an attendance review meeting. If it is the first time that the employee’s level of absence has caused concern the manager should call a stage one attendance review meeting.
- 12.2. If the employee has a history of sickness absence over a rolling two-year period, the manager may call a stage two attendance review meeting. The difference between a stage one and two meeting is that a notice to improve may be the outcome of a stage two meeting.

- 12.3. The following patterns of absence should prompt a review and consider supportive action under these procedures:

Short-term or Frequent Absence

- 5 periods of absence in a 12 month rolling year
- A total of 10 working days in a 12 month rolling year
- Patterns of absence e.g. regular Friday/Monday's or any day immediately before or following a Bank Holiday

- 12.3.1. Short-term absences will be managed under Section A: Part One of this policy

Long-term Absence

- **4 calendar weeks** or longer sickness absence

- 12.3.2. Long-term absences will be managed under Section B: Part Two of this policy

**A. PART ONE: Managing Short Term Absence**

**13. The informal procedure**

- 13.1. The Headteacher or line manager will consider the absence levels, their impact on the school or workplace and may decide to hold an informal discussion with the employee.
- 13.2. The informal discussion could cover the following:
- discussion of the absence record, revisiting the reason(s) for the absence;
  - setting out the school's expectations for improvement;
  - establishing whether any aspect of the job is affecting the health of the employee and whether any reasonable adjustments could be made that would improve the situation, subject to the needs of the school;
  - whether a referral to Occupational Health is appropriate (for example to assess whether the absences are related to a disability or to establish if there is an underlying medical condition).
- 13.3. The employee should be told that if their sickness absence record does not improve, consideration will be given to a formal procedure being instigated.
- 13.4. The Headteacher or line manager may decide that it is not appropriate to take any action. For example, it is due to sickness for a pregnancy-related illness or if the matter reflects an isolated incident and there are no on-going or previous concerns.

#### 14. **Stage One: First Attendance Review**

- 14.1. If an employee's absence is a cause for concern, the manager should gather information about the number of absences the employee has had, assess any patterns of absence and the reasons for the absences. The manager should, in writing, invite the employee to a stage one attendance review meeting. The employee should be given at least 5 working days' notice of the meeting and be informed of their right to be accompanied by a trade union representative or work colleague.
- 14.2. The purpose of the meeting is to identify whether there might be an underlying medical explanation for the absences or whether other personal or domestic circumstances are the cause. The meeting is intended to make the employee aware that their attendance is below the expected standard and support the employee to improve their attendance in the future.
- 14.3. In all cases, the manager and employee should develop and agree an attendance improvement plan and the employee should be told what improvement in attendance is expected and targets set.
- 14.4. A review period, normally of 3 months, should be set and the employee informed that their attendance will be monitored during this time. Regular meetings should take place with the manager and employee during the monitoring period to identify any problems quickly and seek to resolve them. A date should be set at the end of the monitoring period to review the employee's attendance.
- 14.5. Employees should be referred to this policy so they are aware of the likely consequences if their attendance does not improve. If the employee's absences have exceeded the targets set at any time during the monitoring period, a stage two meeting can be called. It is not necessary to wait for the 3 months monitoring period to expire.

#### 14.6. **Stage One Review**

At the end of the monitoring period, or before if the targets have been exceeded, the manager should assess if the attendance targets have been achieved or not and decide what action to take.

- **Targets achieved**

If the employee's attendance has been satisfactory the manager should meet with the employee to explain that the procedure will come to an end. The employee should be advised that if their level of absence causes concern again within a 12 month period, a stage two attendance review meeting will be convened.

- **Concern that the improvement in attendance may not be sustained**

The stage one monitoring period can be extended by a further 3 months.

- **Targets exceeded**

If the employee has had absences that have exceeded the targets set, a stage two attendance review meeting should be convened.

## **15. Stage Two: Second Attendance Review**

15.1. If the employee's attendance does not meet a satisfactory level after support and targets have been set under stage one, or the employee's absence level causes concern for a second time in a 12 month period, the manager should, in writing, invite the employee to a stage two attendance review meeting. The employee should be given at least 5 working days' notice of the meeting.

15.2. The purpose of the meeting is to understand the medical issues, seek to address them, and develop and agree an attendance improvement plan. Consideration should be given to flexible working, reasonable adjustments and alternative work if appropriate.

15.3. The manager should set appropriate targets for improved attendance. A monitoring period of 3 months or 6 months should be set and the employee informed that their attendance will be monitored during this time. Regular meetings should take place with the manager and employee during the monitoring period to identify any problems quickly and seek to resolve them.

15.4. The manager must give consideration to issuing a notice to improve. A notice to improve is a formal notification to the employee that their attendance is cause for concern and if it is not improved further action may be taken. The notice to improve will be valid for 6 months. The notice to improve will be valid from the date of the confirmation letter. The employee has the right of appeal against the issuing of a notice to improve.

15.5. Employees should be referred to this Policy so they are aware of the likely consequences if their attendance does not improve. If the employee's absences have exceeded the targets set at any time during the monitoring period a stage three meeting can be called. It is not necessary to wait for the monitoring period to expire.

### **15.6. Stage Two Review**

At the end of the review period the manager should assess if satisfactory attendance has been achieved or not and decide what action to take.

- **Targets achieved**

If the employee's attendance has been satisfactory the manager should meet with the employee to explain that the procedure will come to an end. The employee should be advised that if their absence level causes concern again during the period of a live notice to improve, a stage three meeting will be called. If their absence level causes concern again within 12 months of the stage two review meeting, a further stage two meeting will be convened.

- **Targets exceeded**

If the employee has had absences that have exceeded the target set a stage three attendance review meeting should be convened.

## **16. Stage Three: Attendance Review Meeting**

16.1. If the employee's attendance does not meet a satisfactory level after support and targets have been set under stage two the manager should, in writing, invite the employee to a stage three attendance review meeting. The employee should be given at least 5 working days' notice of the meeting.

16.2. The purpose of the meeting is the same as the previous attendance review meetings. The attendance improvement plan should be developed and agreed. At this meeting consideration must be given to reasonable adjustments and alternative employment opportunities.

16.3. A final notice to improve may be issued. This is a formal notification to the employee that their attendance is problematic for the organisation and if it is not improved their employment is at risk. The final notice to improve will be valid for 6 months from the date of the confirmation letter.

16.4. An employee can appeal against the issuing of a final notice to improve to an appeal panel. The Appeals Procedure in D. Part 4 of this policy must be followed.

16.5. If the employee's absences have exceeded the targets set at any time during the period a stage three meeting can be called. It is not necessary to wait for the 6 months monitoring period to expire.

### **16.6. Stage Three Review**

At the end of the review period the manager should assess if satisfactory attendance has been achieved or not and decide what action to take.

- **Targets Achieved**

If the employee's attendance has been satisfactory the manager should meet with the employee to explain that the regular monitoring of their attendance under the procedure will come to an end. The employee should be advised that if their absence

level causes concern again during the period of a live final notice to improve, a dismissal meeting may be convened or if their absence level causes concern again within 12 months of the stage three review meeting, a further stage three meeting will be convened.

- **Targets Exceeded**

The employee should be informed in writing that a dismissal meeting will be convened and this could result in their dismissal.

## **17. Stage Four: Ill Health Capability Dismissal Meeting**

17.1. If an employee's attendance has not improved to the required standard after a final notice to improve has been issued, the matter should be referred to an ill health capability dismissal meeting to be heard by a panel. The employee should be invited in writing to the meeting and given 10 working days' notice and provided with any documentary evidence that the panel members will take into consideration.

17.2. The letter should inform the employee of their right to be accompanied by a trade union representative or work colleague. If an employee's companion cannot attend on a proposed date, the employee can suggest another date so long as it is reasonable.

### **17.3. Composition of the Panel**

17.3.1. An Ill Health Capability Panel will be appointed to hear all cases of ill health capability where dismissal is being considered.

17.3.2. The panel will comprise of 3 members who will appoint one of their number as Chair to lead the capability hearing. Appendix 1, 3.3 gives examples of the composition of a panel.

17.3.3. For all meetings a note taker will attend to take minutes of proceedings. It is their role to minute the significant points of the hearing and the decision of the panel but not to produce a verbatim record. Notes will be made available to all parties within 5 working days.

17.3.4. Neither an employee nor their representative should record the meeting without consent, as this suggests an explicit lack of trust in Plymouth CAST's process or the managers who are conducting it. If you do have misgivings about either the process or the managers leading it, you should tell us openly so that we can address your concerns. No recording of meetings will take place without the prior consent of all parties concerned



- 17.3.5. CAST HR are able to provide support and advice to schools on the implementation of all policies and procedures and they must be informed of all cases requiring a formal process. An HR representative should attend ill health capability hearings to provide advice on questions of law and procedure.

#### **17.4. Conducting the Hearing**

- 17.4.1. This meeting is intended to establish the facts. It will be conducted by the appointed Chair of the Ill Health Capability Panel.
- 17.4.2. The manager who has been managing the absence will not be a panel member but will be present to explain the actions leading up to the hearing and answer any questions from the panel.
- 17.4.3. The meeting allows the employee, accompanied by a companion if they wish, to respond to concerns about their levels of absence and to make any relevant representations. This may provide new information or a different context to the information/evidence already collected.
- 17.4.4. Any documentary evidence that the employee wishes the panel members to consider must be supplied to them at least 5 working days before the meeting.
- 17.4.5. A recent occupational health report should be obtained and available to the panel members and the employee.
- 17.4.6. The Chair of the Capability Panel may conclude that there are insufficient grounds for pursuing the ill health capability issue. The employee will be informed in writing of this outcome within 5 working days.
- 17.4.7. In other cases, the Chair of the ill health capability panel may take a decision to end the employee's contract of employment with notice. The employee will be informed in writing within 5 working days of the reasons for the dismissal, the date on which the employment contract will end, the appropriate period of notice and their right of appeal.
- 17.4.8. An employee can appeal against the decision to dismiss them from employment. The Appeals Procedure in D. Part 4 of this policy must be followed.

## **18. The Link Between Short Term and Long Term Absence**

- 18.1. Section A: Part One of this policy should be used where an employee has frequent absences. Where an employee has been off work for more than 4 weeks the Section B: Part Two should be used to either support the employee return to work or, if necessary, to seek ill health retirement or medical incapability dismissal.
- 18.2. In some cases, employees may have several frequent absences combined with periods of longer term absence. Where this is the case the Section A: the short term absence procedure should be used to address the unacceptable pattern of absence.
- 18.3. Where there are both long term absences and short term absences the manager should take care to ensure that all issues are discussed at one set of meetings to avoid unnecessary stress. Each case is individual so advice should be sought from HR.

## **B. PART TWO: Managing Long Term Absence**

### **19. Long Term Absence**

- 19.1. Any absence due to ill health exceeding 4 calendar weeks is defined as being long term sickness.
- 19.2. The principles for maintaining contact in section 7 and seeking the advice of occupational health in section 9 should be referred to and applied.
- 19.3. Plymouth CAST recognises that employees are the key to delivering the best possible education to children and that the health and well-being of our staff is important in enabling each of our schools to do this. Inevitably, some employees will suffer from a long term illness during the course of their employment. In such cases, Plymouth CAST's overriding concern is that individuals recover and that they return to work when they are fit to do so. In most cases people successfully return to work with the support of their manager, HR and Occupational Health.
- 19.4. Where an employee has a disability, Plymouth CAST will make all reasonable efforts to make adjustments to the employee's job role. Where an employee is unable to return to their former role, all reasonable efforts will be made to explore whether any available alternative duties (which might include the need for the employee to consider a voluntary reduction in level) would facilitate a return to work.
- 19.5. Unfortunately, there will be some cases where Plymouth CAST is no longer able to sustain employment due to a person's continuing ill health, and this policy will assist both managers and employees at what is recognised as being a very difficult time. Where the employee is a member of the Local Government Pension Scheme (LGPS) or

the Teachers' Pension Scheme Plymouth CAST will seek occupational health advice as to whether ill health retirement benefits may apply and the employee will be supported in making an application. Otherwise the person's contract of employment may need to be ended due to medical incapability.

## **20. Absence Review Meetings (Week 4, 12, 20, 40)**

- 20.1. Head teachers or managers should, wherever possible, meet in person with the employee. In circumstances where the employee is too unwell to meet in person this may need to be with their nominated representative. If the employee or a representative is unable to attend the meeting the employee should be asked to submit written representations. Every effort will be made to ensure the views of the employee are heard at review meetings but if this is not possible the review meeting should proceed and decisions made in accordance with this policy based on the advice available. Employees should be invited to the meeting in writing and given at least 7 working days' notice of the meeting.
- 20.2. Managers may find it helpful to have requested and received occupational health advice in preparation for the 4 weeks' absence review meeting. However, a recent occupational health report must be available for the 12, 20 and 40 week review and before any decision to refer the case to a dismissal meeting is made. Before a decision is taken to end an employee's contract due to medical incapability, and the employee is a member of the LGPS or TPs, occupational health advice must be sought on whether ill health retirement benefits might apply.
- 20.3. At all the absence review meetings the discussion points and management decisions that need to be taken will be the same. However, as the absence increases in duration the importance of considerations such as return to work plans, reasonable adjustments and alternative employment become more significant.
- 20.4. The discussion should include:
  - reviewing the employee's health
  - a possible return to work date
  - support that can be offered to assist the employee's recovery
  - informing the employee of Plymouth CAST's well-being initiatives
  - where appropriate, agreeing an action plan for their return to work
  - consideration of whether a referral to occupational health would be beneficial
  - advising the employee that their employment cannot be held open indefinitely and if a successful return to work is not evident in the foreseeable future their continued employment will need to be considered
  - informing the employee of next steps under the procedure
- 20.5. The manager should form a view and make decisions on:
  - seeking occupational health advice on whether the employee is covered by the Equality Act 2010

- where appropriate, considering reasonable adjustments
  - where appropriate, considering alternative employment
  - forming a view on whether a return to work is likely in the foreseeable future
  - if no return to work is likely, seeking occupational health advice on whether ill health retirement may apply or referring the employee to a medical incapability dismissal meeting.
- 20.6. The manager must make a record of the discussion and give a copy of the record to the employee.

## **21. Supporting Employees Who Have Returned to Work After a Long Term Absence**

- 21.1. Managers are expected to assist employees who have been off on long term absence to successfully reintegrate back into work.
- 21.2. In particular, return to work should be planned to familiarise the employee with any changes that may have happened in the workplace. A flexible and appropriate approach to planning **phased returns** should be taken into account, taking the advice of occupational health, specialist professionals and human resources.
- 21.3. Managers and other colleagues must be sensitive to the difficulties faced by employees when returning to work from a long period of absence.
- 21.4. A managed return with the full cooperation of all work colleagues should be planned to help with successful long-term integration.
- 21.5. Managers should hold regular informal meetings with the employee to check on their well-being and discuss any difficulties that arise in integrating them fully back into work. Actions to address any difficulties must be noted and reviewed for their effectiveness.

## **22. Reasonable Adjustments**

- 22.1. If an employee has a disability, it is a legal requirement under the Equality Act 2010 to make adjustments to support their employment where it is reasonable to do so. Managers should ensure they familiarise themselves with the guidance on making reasonable adjustments and funding sources. Most workplace adjustments can be made quickly and easily; however, some adjustments make take considerable time to implement so early consideration is imperative.

## **23. Alternative Employment**

- 23.1. Where medical evidence indicates that an employee is not fit to return to their current job due to their ill health there is a requirement that Plymouth CAST consider whether

the employee could do other work. Before any consideration of dismissal is made it is necessary to establish if the employee wishes to be considered for redeployment, and if they do, that time is given to seeking redeployment. Advice is available from Human Resources.

- 23.2. Occupational health advice should be sought on what employment would be suitable considering the employee's health. Managers must ensure that if the employee wishes to be considered for alternative employment this is instigated at an early stage so that it does not delay the later stages of the policy. A reasonable period of time will be given to seek redeployment. This will generally not exceed three months and may run concurrently with an employee's notice period. However, Plymouth CAST does not have a duty to create work if it is not available.

## **24. Ill Health Retirement**

- 24.1. If the employee is a member of the Local Government Pension Scheme (LGPS) or Teacher Pensions (TPs) and they, or their manager, consider that ill health retirement may apply the employee should be referred to occupational health for their view. Before any decision on termination of employment is made occupational health advice should be requested on whether ill health retirement may apply.
- 24.2. Where occupational health advice is that ill health retirement may apply the process for IHR should be followed. The process for ill health retirement is different for teachers than for support staff. Further advice is available from HR on making an application for IHR.

### **A. For Teachers**

- 24.3. If occupational health considers that the employee may be eligible for IHR the teacher may decide to make an application to TPs. If TPs agree to release pension benefits the school is required to end the employee's contract of employment as soon as possible. If TPs do not agree to release benefits the teacher may appeal the decision following the TPs appeal process.
- 24.4. Reasonable time will be given for an IHR application to be made. However, it will be a decision for the school how long will be given for the application to be processed before a hearing is convened to consider the employee's dismissal due to medical incapability.

## **B. For Support Staff**

- 24.5. If occupational health considers the employee is eligible for IHR their application will be processed and where this is agreed the employee's contract of employment should be terminated with notice and arrangements made for them to receive their ill health pension.
- 24.6. Where occupational health recommends release of IHR benefits but the employee does not agree with the tier awarded they can appeal this decision by using the Internal Pensions Dispute Resolution Procedure.
- 24.7. Where an Independent Occupational Health Physician does not recommend IHR the manager will need to consider if they refer the case to a medical incapability dismissal meeting. If the employee does not agree with the decision of the Independent Occupational Health Physician, they can dispute this using the Pensions Dispute Resolution Procedure.
- 24.8. If an employee's contract is terminated due to IHR or medical incapability dismissal a payment may be made for any outstanding annual leave at the date of the termination based on the leave entitlement prescribed in the Working Time Regulations.

## **25. Medical Incapability Dismissal Meeting**

- 25.1. If, at any time, it becomes evident that the employee is unfit to return to work in the foreseeable future and consideration has been given to reasonable adjustments, alternative work and the employee is not eligible for ill health retirement the manager may refer the employee to a Medical Incapability Dismissal meeting. The employee should be invited to the meeting in writing and given 10 working days' notice and should be provided with any documentary evidence that the panel members will consider.
- 25.2. The letter should inform the employee of their right to be accompanied by a trade union representative or work colleague. If an employee's companion cannot attend on a proposed date, the employee can suggest another date so long as it is reasonable.
- 25.3. If the employee does not wish a dismissal meeting to be convened and wishes to seek a mutual agreement to end their contract the manager should contact HR for further information and support.

#### 25.4. **Composition of the Panel**

- 25.4.1. A Medical Incapability Panel will be appointed to hear all cases of medical incapability where dismissal is being considered.
- 25.4.2. The panel will comprise of 3 members who will appoint one of their number as Chair to lead the capability hearing. Appendix 1, 3.3 gives examples of the composition of a panel.
- 25.4.3. For all meetings a note taker will attend to take minutes of proceedings. It is their role to minute the significant points of the hearing and the decision of the panel but not to produce a verbatim record. Notes will be made available to all parties within 5 working days.
- 25.4.4. Neither an employee nor their representative should record the meeting without consent, as this suggests an explicit lack of trust in Plymouth CAST's process or the managers who are conducting it. If you do have misgivings about either the process or the managers leading it, you should tell us openly so that we can address your concerns. No recording of meetings will take place without the prior consent of all parties concerned
- 25.4.5. CAST HR are able to provide support and advice to schools on the implementation of all policies and procedures and they must be informed of all cases requiring a formal process. An HR representative should attend medical incapability hearings to provide advice on questions of law and procedure.

#### 25.5. **Conducting the Hearing**

- 25.5.1. This meeting is intended to establish the facts. It will be conducted by the appointed Chair of the Medical Incapability Panel.
- 25.5.2. The employees' manager will be present to explain the actions leading up to the hearing and answer any questions from the panel.
- 25.5.3. The meeting allows the employee, accompanied by a companion if they wish, to respond to concerns about their medical capability to continue in work and to make any relevant representations. This may provide new information or a different context to the information/evidence already collected.

- 25.5.4. Any documentary evidence that the employee wishes the panel members to consider must be supplied to them at least 5 working days before the meeting.
- 25.5.5. A recent occupational health report should be obtained and available to the panel members and the employee.
- 25.5.6. The Chair of the Medical Incapability Panel may conclude that there are insufficient grounds for pursuing the medical incapability issue. The employee will be informed in writing of this outcome within 5 working days.
- 25.5.7. In other cases, the Chair of the Medical Incapability panel may take a decision to end the employee's contract of employment with notice. The employee will be informed in writing within 5 working days of the reasons for the dismissal, the date on which the employment contract will end, the appropriate period of notice and their right of appeal.
- 25.5.8. An employee can appeal against the decision to dismiss them from employment. The Appeals Procedure in D. Part 4 of this policy must be followed.

### **C. PART THREE: Unauthorised Absence**

#### **26. Disciplinary Action**

- 26.1. There are certain circumstances when it will be appropriate to commence the school's Disciplinary Procedure.
- 26.2. The following are examples (not exhaustive) where this would be the most appropriate way of handling the situation. Where an employee has:
  - a) been absent from work without authorisation and the Headteacher or manager is not satisfied that the employee can demonstrate a genuine reason for the unauthorised absence.
  - b) failed to follow the sickness absence notification procedure without having good reason for doing so.
  - c) deliberately falsified a self-certification form/GP's medical certificate.
  - d) abused the Sickness Scheme e.g. undertaking other inappropriate activities during Sickness Absence.

or in situations where, following medical advice, no underlying health issues are evident.



## **D. PART FOUR: Appeal Procedure**

### **27. Appeal**

- 27.1. It is Plymouth CAST's policy to allow an appeal against a
- a. decision for a (final) notice to improve; or
  - b. decision to dismiss an employee from employment
- in cases of absence or medical incapability  
If you wish to appeal you should do so within ten working days after the date on which you were notified of the decision.
- 27.2. For school based employees the notice of appeal must be addressed to your chair of governors in writing, setting out the grounds for appeal. For employees based in Plymouth CAST's central support team the notice of appeal must be addressed to the Chief Executive Officer.
- 27.3. Appeals against the original decision must be considered by an Appeals Panel, made up of members who have had no prior involvement in the case. Where the case involves the Headteacher, the Chair of Governors, or another governor representative, will normally chair the Appeal Panel. However, consideration will be given to appointing a member(s) from Plymouth CAST's Board of Directors – see Appendix 1: - 3 panel formation.
- 27.4. CAST HR are able to provide support and advice to schools on the implementation of all policies and procedures and they must be informed of all cases requiring a formal process. An HR representative or appropriate professional adviser should attend an absence appeal meeting to provide advice and guidance on questions of law and procedure.
- 27.5. The time and place of an appeal meeting will be convenient to both you and the person hearing the appeal. You have the same right to be accompanied by a recognised trade union representative or work colleague as at all formal meetings.
- 27.6. After the appeal meeting the Chair of the Appeals Panel will write to you with a decision within 5 working days of the meeting.

**28. Review**

28.1. The content of this policy and procedure may be subject to revision from time to time following consultation with the recognised trade unions.

28.2. History of changes

Date	Page	Details of the change	Agreed by

Policy to be reviewed by the Plymouth CAST Board in consultation with the JCC in (date) or when legislation changes or operational reasons arise.

## Appendix 1. Responsibilities and Panel Formation

### 1. Responsibilities

- 1.1. It is the responsibility of the school's management team and ESM to manage their school within the framework of Plymouth CAST's policies and procedures.
- 1.2. In schools the Head teacher, or most senior member of the school, has overall responsibility for the management of employees in their school. They should ensure that staff with line management responsibilities are equipped with the relevant knowledge and training to manage staff effectively and appropriately.
- 1.3. The CEO has overall responsibility for the management of Plymouth CAST's central support staff through the management structure in place.

### 2. Support

- 2.1. Plymouth CAST provides professional support and advice on the effective implementation of any procedure through HR who should be informed of all cases requiring a formal procedure. An HR Adviser will be in attendance for all panel hearings.

### 3. Panel Formation

- 3.1. An appropriate panel will be formed for any formal hearing, at which the employee will have the right to be accompanied by a trade union representative or work colleague.
- 3.2. The panel will comprise of 3 members who will appoint one of their number as Chair. The composition of the panel will be discussed and agreed with the school's HR Adviser in accordance with the circumstances. The panel **could** comprise of a combination of:
  - 3.2.1. Senior member(s) of a management team (e.g. Head teacher, Deputy Head, Head of Subject or Key Stage Leaders, a member of the Plymouth CAST central management team)
  - 3.2.2. Members from another local Governing Board (in schools only). The Chair of Governors may be reserved for participation in any appeal panel
  - 3.2.3. Senior Managers from other schools
  - 3.2.4. Member(s) from Plymouth CAST's Board of Directors

4. This will provide greater flexibility, impartiality and support to small schools and Plymouth CAST's central team.
5. Consideration should also be given to appointing investigating officers and panel members from across Plymouth CAST's network.