



The Athelstan Trust

Sickness Absence Policy

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1. Aims

This policy aims to:

- Set out The Athelstan Trust's approach to employee sickness, including the procedures for reporting sickness and how we manage sickness absence fairly. This Policy supersedes any local policies and procedures that have been in use prior to academy conversion.
- Support all parties in managing employee sickness and absence effectively and consistently, to ensure a fair and transparent approach across the Trust that complies with our duties under the Equality Act 2010.
- Help create and maintain a happy and healthy working culture in which employees are encouraged to look after their physical and mental wellbeing.

This policy does not form part of any contract of employment.

2. Legislation and guidance

This policy meets the requirements of:

- Data Protection Act 2018
- Employment Rights Act 1996
- Employment: Statutory Code of Practice
- Equality Act 2010
- Induction for Early Career Teachers (England)
- The Statutory Sick Pay (General) Regulations 1982

It also reflects best-practice guidance set out in:

- The Advice, Conciliation and Arbitration Service (Acas)'s guidance on holiday, sickness and leave
- The Health and Safety Executive (HSE) incident reporting in schools

Some of our employees have a contract that specifically incorporates conditions from:

- School Teachers' Pay and Conditions Document (STPCD)
- Conditions of Service for School Teachers in England and Wales (the Burgundy Book)
- The National Agreement on Pay and Conditions for Support Staff (the Green Book)

These will continue to apply due to the Transfer of Undertakings (Protection of Employment) (TUPE) Regulations 2006, which protect employees' terms and conditions when a maintained school becomes an academy.

As such, this policy complies with the STPCD, the Burgundy Book and the Green Book.

This policy complies with our funding agreement and articles of association.

3. Scope

3.1 Eligibility

This policy applies to all employees who are employed directly by The Athelstan Trust.

Self-employed workers, volunteers and agency workers are not covered by this policy.

3.2 Exceptions

This policy does not apply to employees who are:

- Taking maternity, paternity, shared parental and/or adoption leave – please see our Family Leave policy.
- Taking leave for dependents – please see our Family Leave policy.

3.3 Continuous service

Where this Policy refers to Continuous Employment, the Trust recognises this as

- aggregated teaching service **or**
- work in a support staff role where there has been no break in service

with one or more local authorities, and one or more academies / Trusts.

4. Data protection

All discussions and sensitive medical and personal information about employees' sickness and other absence will be treated confidentially by all parties concerned. This data will be collected, used and stored in line with the Data Protection Act 2018. Please refer to our privacy notice for staff (which can be found on The Athelstan Trust website) for more detail on how data will be processed.

5. Roles and responsibilities

5.1 CEO / Trust Leader

The CEO / Trust Leader is responsible for making sure that:

- This sickness and absence policy is applied consistently for the Central Staff team and that it is in line with equality legislation.
- All employees are aware of this policy and their responsibilities.

5.2 Headteacher

The headteacher is responsible for making sure that:

- This sickness and absence policy is applied consistently across our schools and that it is in line with equality legislation.
- All employees are aware of this policy and their responsibilities.

5.3 Line managers

Line managers have day-to-day responsibility for this policy. If employees have questions about this policy, they should refer to their line manager in the first instance, who will refer to HT where appropriate.

Line managers are responsible for:

- Considering all valid requests for time off equally, fairly, and according to the needs of the school and students, and in consultation with the Headteacher.
- Supporting employees and managing ill-health matters confidentially and sensitively, and in line with the Data Protection Act 2018.
- Promoting positive working arrangements, including monitoring workload and maintaining effective communication with employees.
- Monitoring employee absence and following the procedures on managing staff absence if 'trigger points' are surpassed (see sections 17 and 18 for more) or patterns of absences are evident
- Giving due regard to equality legislation and taking any disability requirements into consideration.

5.4 Board of Trustees

The board of Trustees will review and approve this policy and hold the CEO to account for its implementation.

5.5 Other employees

Employees are expected to:

- Follow the procedures set out in this policy.
- Adhere to the stated time scales when responding to or appealing the schools' requests or decisions.

6. Procedure for reporting sickness absence

We encourage employees to keep an open dialogue with their line manager regarding their health to help us:

- Identify absence problems early on.
- Support employees wherever possible, including with rehabilitation and return to work.

If an employee is taken ill or injured while at work or during the working day, they should report or be taken to their line manager to be given permission to leave work, if appropriate. Line managers should arrange for anyone who is unwell to be accompanied home or to receive medical treatment where necessary. This will be recorded on SAM People but will not normally be counted as the first day of sickness. The first day of absence is when an employee is unable to attend in the workplace. However, records in SAM people will

allow these absences to be reviewed by the line manager and if a pattern of absence is identified, the line manager may need to meet with the employee to discuss.

If an employee is unable to attend work because of illness or injury, they should:

- Follow the school-based procedure for reporting absence: this should be done as soon as possible, usually by 7.00am on the first day of absence. The employee should explain the nature of their illness or injury and to provide an estimate of when they are able to return to work.
- Agree with their line manager how and when to keep in touch (see more in section 6.2 below) and confirm contact details.
- Advise on any urgent or outstanding work-related matters that need attention.

If the employee is too unwell or otherwise unable to contact the school, they should:

- Arrange for someone to contact the school on their behalf.

If the headteacher is unable to attend work because of illness or injury, they should:

- Contact the Deputy Headteacher or, in the event of their absence, another member of the senior leadership team. The Trust CEO should also be informed.

Absence that has not been notified in accordance with the sickness absence reporting procedure may be treated as unauthorised absence dependent upon the circumstances and therefore be unpaid.

For absences of 7 calendar days or less, employees should complete a self-certification form (see Appendix A) covering each day of absence immediately on returning to work.

For absences of more than 7 calendar days, employees must obtain a “statement of fitness for work” stating that they are not fit for work and the reason(s) why. This should be forwarded to their line manager as soon as possible. If absence continues, the employee must obtain further medical certificates to cover the whole period of their absence.

If the statement or medical certificate says that the employee “may be fit for work”, the individual should inform their line manager immediately. We will discuss any potential measures needed to facilitate the employee’s return to work, taking into account the healthcare professional’s advice. If appropriate measures cannot be taken, the employee will remain on sick leave, and we will agree a date to review the situation.

While an employee is absent from work, they should not undertake any other form of paid employment or participate in any activity (of a sporting nature or otherwise) that could have an adverse effect on their recovery.

If a school has concerns about the reasons or lengths of absence, it reserves the right to formally investigate the nature and cause of the absence.

See Appendix B – What to do when you are ill

6.1 Unauthorised absence

If an employee does not report for work and we receive no contact from them or someone on their behalf (in accordance with section 6), their line manager will contact them as soon as possible to:

- Make sure they are safe.
- Give them an opportunity to explain their absence.

Employees should not treat this as a substitute for reporting sickness absence.

Where employees remain absent without leave and/or there are grounds to believe that they are acting dishonestly or failing to follow the procedures above, we may treat this as an unauthorised absence without pay.

We may deal with cases of unauthorised absence under the Athelstan Trust Disciplinary Rules and Procedure Policy, a copy of which can be found on the Athelstan Trust website.

6.2 Maintaining contact with line managers during sick leave

If an employee is absent on sick leave, their line manager may contact them from time to time to discuss:

- Their wellbeing and expected length of continued absence from work.
- Any of their work that requires attention.

The purpose of such contact is to reassure the employee, and line managers will keep it to a minimum.

If employees have concerns while absent on sick leave, whether about the reason for their absence or their ability to return to work, they should feel free to contact their line manager at any time.

Where an employee refuses to speak to their line manager, the line manager will write to the individual and explain the need to maintain contact.

Where an employee's relative or representative intercepts or blocks communication, the HR lead will inform the employee of their responsibilities in writing. Under all circumstances, the Employee will need to have given permission for the line manager to discuss any details of employment with the relative or representative.

Where an employee is hospitalised, there may be a delay in contact with the line manager until the employee is able to communicate. For prolonged hospitalisation, it may be necessary for the line manager to write to the employee or agree that a family member will keep the line manager updated with progress.

Where an employee receives a significant health diagnosis, sensitivity and understanding will be required, especially where discussions need to take place around financial planning, and pension benefits. However, some of these conversations will be essential. Other conversations should centre on support for the individual, keeping in touch and offering services such as employee assistance programme.

6.3 Procedure for recording sickness absence

All absences will be recorded on SAM People by an appointed person in the individual school.

7. Sick leave and pay

For pay entitlements during phased return to work, see section 8 below.

Statutory sick pay and occupational sick pay

Employees are entitled to statutory sick pay (SSP) and occupational sick pay, where eligible in accordance with their contract of employment: you may be entitled to Statutory Sick Pay (SSP) if you satisfy the relevant statutory requirements. Qualifying days for SSP are Monday to Friday, or as set out in your employment contract. The rate of SSP is set by the government in April each year. SSP may be payable from the first day of absence for up to 28 weeks. If you are not eligible for SSP or if your SSP entitlement is coming to an end we will give you a form SSP1 telling you the reasons.

Occupational Sick Pay

Support staff (in accordance with the Green Book)

You are entitled to receive sick pay for the following periods:

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

During the 4 th and 5 th year of service	5 month's full pay and 5 month's half pay
After 5 years' service	6 month's full pay and 6 month's half pay

The period during which sick pay shall be paid and the rate of pay, in respect of absence shall be calculated by deducting from your entitlement on the first day the aggregate of periods of paid absence during the twelve months immediately preceding the first day of absence.

Teaching staff (in accordance with the Burgundy Book)

You are entitled to receive sick pay for the following periods:

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

A year is deemed to begin on 1 April and end on 31 March the following year. Where a teacher starts service after 1 April the full entitlement for that year will be applicable. Where a teacher is on sick leave on 31 March in any year no new entitlements shall begin until the teacher has resumed duty and the period from 1 April until the return to duty is regarded as a part of the preceding years' entitlement.

Service means aggregated teaching service with one or more LA schools or academies and a break in service does not affect entitlement.

Occupational Sick Pay is paid on a pro-rata basis: the working days referred to in the table above relate to school working days (rather than contracted working days). Therefore if you are a part-time teacher, you will receive sickness absence pay based on your actual salary for up to 100 working school days and at half your normal salary for a further 100 working school days after four years' aggregated service. For example if you are a part-time teaching working three days a week (0.6 contract), you would receive your normal salary for 100 *school* working days, followed by half of your normal salary for a further 100 *school* working days.

7.1 Pension contributions during sickness absence

Both the employer and the employee will continue to contribute to the employee's pension scheme during any SSP or occupational sick pay, if the scheme's rules allow this.

7.2 Sickness absence caused by a third party

If an employee's absence is, or may be, caused by another party who is, or may be, legally liable to pay damages (for example, if the employee is injured in an accident caused by another person or company), the employee must immediately give their line manager details of this and of any legal claim they are pursuing. If the school asks them to, the employee must take part in any legal proceedings to recover damages. They must also, if asked, give the Trust the part of any damages or compensation payment that relates to lost earnings. The amount will be all the following:

- Reasonably determined by the Trust.
- Minus any costs the employee has incurred to get the damages or compensation payment.
- Capped at the amount the school paid the employee over the period of absence.

7.3 Probationary Periods

All new employees are subject to a probationary period. Sickness absence issues that arise during a probationary period may be taken into account in determining whether or not the probationary period is completed satisfactorily and this procedure (save for the sickness absence procedure) will not normally apply.

7.4 Sick Leave during school holidays

Where an employee on a term time only contract is absent immediately prior to a school closure period, they will be deemed as being absent for the purposes of recording sickness during the closure period until the end date of absence is confirmed. When the employee returns after the closure period, the amount of absence recorded will be confirmed in the return to work interview. If the employee is still absent when the school reopens the usual requirements for self-certification and medical certificates in this policy will apply. Staff who are employed on a 52 week contract and therefore qualify for annual leave should refer to the Trust's Annual Leave Policy.

8. Returning to work

8.1 Return-to-work meeting

When an employee returns to work after sickness absence, their line manager will arrange a return-to-work meeting to:

- Discuss the employee's absence, making sure they've recovered and establishing whether there are any continuing underlying issues.
- Talk about any support that the employee needs.
- Allow the employee to raise concerns.
- Update the employee on any work matters.
- Complete a return-to-work form on SAM People
- If relevant, review their sickness absence record for the past year and make them aware if they are approaching a trigger point.
- Highlight to them the support that is available from the Employee Assistance Programme

8.2 Phased return to work

Medical professionals or the occupational health service may recommend that an employee returning to work from sickness absence should:

- Work reduced hours.
- Work altered hours
- Have lighter duties or different duties.
- Consider redeployment
- Other reasonable adjustments

This may be followed by a gradual increase of working hours and/or duties over a period of time depending on individual circumstances.

We will consider any recommendations that are made by a medical practitioner to facilitate a return to work. If recommendations cannot be accommodated, the line manager will discuss with the employee what accommodations can be made. The priority is to enable a return to work. Where appropriate, other accommodations can be agreed with the employee. The Trust is not obligated to observe all recommendations made by medical practitioners.

If the employee remains off work, further statements of fitness to work will not be required. However, a review date will be set.

During their phased return to work, employees will be paid on a pro-rata basis for the days / hours worked, with remaining hours paid through their entitlement to statutory sick pay.

Where appropriate, a risk assessment will be completed.

9. Disability-related absence and Disability Leave

Employees who believe they have a disability or medical condition must inform their line manager if they require reasonable adjustments or the disability affects the safety of themselves or others. This disclosure ensures legal protection for the disability and enables appropriate support to be provided. We have an obligation under the Equality Act 2010 to make reasonable adjustments for employees with a protected characteristic (such as disability, pregnancy and gender reassignment) where the reasonable adjustment would remove or reduce a disadvantage the employee faces. In discussion with the employee the school will consider all reasonable adjustments and provide these where possible in order to assist an earlier return to work, limit future absence and support the employee in achieving an appropriate level of attendance.

Examples of reasonable adjustments could be:

- Providing specialist equipment.
- Modifying days or hours of work.
- Modifying duties.
- Disability leave
- Extended trigger points

Typically trigger points will be extended to a maximum of 15 days (instead of 12 days) in any 12 months, or 4 occasions (instead of 3) in any 12 months.

All sickness absence must be recorded as detailed elsewhere in this Policy. However, line managers should identify disability related absence in order to consider if any appropriate adjustments can be put in place to address the underlying reasons for absence. Disability related absence will not be discounted when determining appropriate action under the Trust's sickness processes. However trigger points may be extended (as above) as a reasonable adjustment.

Where employees need time off work to attend medical appointments related to their disability or medical condition that affects their work (e.g. assessment, treatment, rehabilitation and/or check-ups), the school will normally allow paid time off for up to 10 appointments a year (pro rata for part-time employees, rounded up to the nearest whole occasion) as a reasonable adjustment. An appointment can be anything from 1 hour up to a maximum of one normal working day for the employee. This is not guaranteed and, as such, employees should speak to their line manager about their needs.

For example, for an employee contracted to work 28 hours a week, the number of appointments would be calculated as follows:

$$\frac{10 \times (28 \text{ contracted hours per week} / 37 \text{ hours (standard working week)})}{1} = 7.6$$

This would be rounded up to 8 appointments.

Applications for Disability Leave should be made to the Headteacher. The Headteacher will inform the CEO of any decisions made.

10. Pregnancy-related absence

Pregnant employees may need to take time off to attend medical appointments and /or due to pregnancy-related illness, and the school will support this. We will not count pregnancy-related sickness absence when reviewing an employee's attendance record.

For information on parental leave entitlements, please see our family leave policy.

11. Absence related to gender reassignment

Employees who are due to undergo, or are in the process of undergoing, gender reassignment should discuss with their line manager their needs for time off. The school may accommodate those needs as far as these are possible.

12. Medical and dental appointments

Where possible, employees should book routine medical and dental appointments outside of working hours. If this is not possible (e.g. for hospital or specialist appointments) employees should:

- Where possible, appointments should be made at times which are least disruptive to the employee's work.
- Employees will need to complete a planned absence request on SAM People and may need to provide proof of the appointment.

13. Elective surgery

If an employee is undergoing elective surgery, they should discuss their need for time off and recovery with their line manager, who may:

- Authorise it as sickness absence if the surgery is medically necessary. The employee is expected to provide evidence from a medical practitioner to support this. In this case, the employee may be entitled to sick pay in accordance with the terms of their contract of employment.
- Grant or refuse the absence as special leave. If the absence is granted, it is normally unpaid unless:
 - The employee arranges the surgery and recovery time to occur outside term time.
 - It is possible for the employee to use annual leave for the period of absence.
- View the time off as sickness absence where not doing so may be in breach of the Equality Act 2010, such as gender reassignment (see section 11 above). The headteacher may seek further HR advice on how to proceed.

14. Fertility treatment and IVF

Employees are encouraged to reach out to their line manager to enable the school to support the employee where possible. These conversations will be strictly confidential.

Appointments for fertility treatment and IVF will be treated as any other medical appointment (see section 12). However, where possible, the school will endeavour to make reasonable time-off arrangements.

If an employee becomes unfit for work because of fertility treatment, they should follow the normal procedures for reporting sickness in section 6. You will be allowed time off for antenatal care only after the fertilised embryo has been implanted: further information is detailed in the Athelstan Trust Family Leave Policy.

15. Stress-related absence

The Trust / School will support and discuss options with any employee who needs time off because they are experiencing significant stress at work or in their personal lives.

Employees should speak to their line manager who may:

- Authorise time off for the employee.
- Arrange external support, such as counselling, occupational health services or recommend accessing the Employee Assistance Programme. Line Managers can also make a referral to the programme.
- complete a risk assessment with the employee and following through with any actions identified.
- Reassess the employee's workload and decide what tasks to prioritise.

At all times, the confidentiality and dignity of employees will be maintained.

16. Work-related injuries or illness

Employees should report work-related injuries or illnesses to the headteacher immediately. The headteacher will report all relevant injuries and illnesses (as defined in the RIDDOR 2013 legislation) to the Health and Safety Executive.

17. Attending work when unwell

If an employee attends work and is clearly unwell but insists on staying at work their line manager should contact the HR lead or the Headteacher. If the employee is unfit but refuses to seek certification from their GP, then a risk assessment should be undertaken, and the following could be considered:

- Temporarily adjust the employee's duties, working conditions and / or hours of work if appropriate;
- Offer suitable alternative work, within the remit of the employee's role, if any is available; or

- Suspend the employee from work for as long as necessary to protect their safety and the safety of others and this should be reviewed regularly.

The measures taken to avoid the identified risk must continue for as long as this continues to exist.

Suspension from work on medical grounds should only be undertaken as an option of last resort and it would be appropriate to seek advice from the Trust HR Provider or Union Representative for the employee. Any employee suspended under the Health and Safety regulations should receive their full pay (up to a maximum of 26 weeks).

18. Attendance at Meetings

The employee must take all reasonable steps to attend meetings. Failure to do so without good reason may be treated as misconduct. Employees will not usually be entitled to attend informal meetings under this policy with a trade union representative or workplace colleague unless otherwise agreed in advance. At all formal meetings employees may be accompanied by a companion (see information below). If the employee (and their companion) is unable to attend at the time specified, the employee should immediately inform their Deputy Head/Business Manager who will normally seek to agree an alternative time. Meetings will not normally be postponed beyond 5 days. Depending on the circumstances, if an employee indicates that they are too unwell to attend a formal or informal meeting they will be given the option to:

- meet in another venue or at their home; or
- attend via telephone conference; or
- send a companion to represent them, providing appropriate written consent (though this will not normally apply in the case of informal meetings or discussions); or
- provide a written submission; or
- request that the meeting takes place in their absence.

If an employee fails to communicate their wishes with regard to the above, the meeting may take place in their absence with the outcome communicated to them in writing. Meetings will not, in normal circumstances, be postponed beyond 5 days unless there is medical evidence that the employee is not medically fit to take part by any of the means described in clause 9.1 and, even if this is the case the employer reserves the right to proceed with any necessary steps required to manage the specific case including holding meetings notwithstanding, as appropriate.

Any Designated Senior Manager visiting an employee's home will be accompanied by another manager.

A meeting may be adjourned if the employer is awaiting receipt of information, needs to gather any further information or give consideration to matters discussed at a previous meeting. The employee will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.

19. Procedure for managing short-term sickness absence

An informal absence review meeting should be triggered if there are more than 12 working days absence within any 12-month period (either as separate occasions or a continuous period) 3 separate occasions of absence within a 12-month period, or there is a recurrent pattern of sickness absence. Before triggering the process, the line manager should be satisfied that they have explored any reasonable adjustments to help the employee improve attendance.

19.1 Informal review

We will aim to give the employee 5 working days' written notice of the date, time and place of an informal review meeting.

At the meeting, the line manager and employee will discuss:

- The employee's pattern of absence to understand the reasons for it.
- Any medical treatment, and whether medical advice is needed from the occupational health service.
- Whether the illness is work-related and if any temporary changes to the employee's work could help them improve attendance.

- Whether the employee has any underlying health problems (including a disability), how this will likely affect their attendance in the future, and whether any reasonable adjustments can be made.
- How the employee's absence is affecting students, colleagues and the school.
- Any other ways the school / Trust can support the employee.

After the meeting, the line manager will summarise the main points in writing, which will be shared with the employee. This may include any actions that will be taken and a timescale for review and / or a further meeting under the sickness absence procedure.

If the employee's absence levels continue to be of concern after the informal review meeting, their line manager will invite them to the first formal review meeting (see section 19.2). This will usually take place 8 working weeks after the informal review meeting, depending on circumstances.

19.2 Formal review

There are 3 formal review meetings: the first formal review meeting, the second formal review meeting, and the final attendance review meeting. If the employee's absence levels do not improve to an acceptable level after the final attendance review meeting, the headteacher or another senior staff member (or in the event that the absence concerns the headteacher, the Chief Executive Officer) will convene an ill-health capability hearing, with a panel, to fully review the case (see section 20).

Each formal review meeting will usually take place 8 working weeks after the previous one, depending on circumstances. The line manager will inform the employee of each meeting, in writing, 5 working days in advance. The employee has a right to be accompanied to any formal meeting under this procedure by a trade union representative or colleague (see more in section 22).

Where the employee's attendance improves to an acceptable level during the formal reviews process, the line manager will hold a review meeting to confirm this. They will also agree on any further monitoring meetings, which line manager will confirm to the employee in writing.

Where the employee's attendance improves to an acceptable level and for a sustained period of time (typically 12 months), formal monitoring will cease. However, if the employee's absence levels increase again within a year, the formal reviews procedure will be triggered again from the point at which the last review process ended.

19.2.1 During formal review meeting(s)

At the meeting, the employee and line manager (or the headteacher or other senior staff, if this is a final attendance review meeting) will discuss:

- The employee's absence levels, the reasons for it, and whether further absences are likely going forward.
- Any medical advice received.
- Any work-related issues that may be affecting the employee's attendance and whether any temporary changes to the job could help improve their attendance.
- If the employee has underlying health problems, any reasonable adjustments that could be made.
- How the employee's absence is affecting students, colleagues and the school.
- Any other ways the school / Trust can support the employee. This may involve an action plan that includes obtaining further medical advice, a referral to the Employee Assistance Programme, or outlining what adjustments or adaptations will be made for the employee.

19.2.2 Possible outcomes

At the end of each formal review meeting, the line manager (or headteacher or another senior member of staff if this is a final attendance review meeting) may decide to:

- Agree the issue has been resolved and take no further action.
- Continue to monitor and review the employee's attendance.
- **For the first formal review meeting only:** issue a formal attendance notification, which will normally remain on record for 12 months depending on the circumstances (such as the nature and prognosis of the illness and impact of the treatment). The notification will:
 - Explain the school's expectations on attendance going forward and what the review period for this will be.
 - Warn the employee of the potential consequences of not meeting the required standards, including another formal attendance notification and the risk of dismissal.

- **For the second formal review meeting only:** issue a final attendance notification, which will reiterate the school's expectations on attendance going forward, the review period for this, and warn the employee of the potential consequences of not meeting the required standards, including the risk of dismissal.
- **For the third, final attendance review meeting only:** recommend that dismissal may be considered and arrange a formal hearing for a panel to examine the case (See section 20 below).

After each review meeting, the line manager will summarise the outcome in writing, including the staff member's right to appeal within 10 working days if the line manager has issued a formal attendance notification or final attendance notification.

20. Procedure for managing long-term sickness absence

The Athelstan Trust is committed to dealing fairly and sympathetically with employees who are absent from work for long periods because of ill health.

We define long-term sickness absence as absence lasting for 4 weeks or more. At this point, we will refer the employee to the occupational health service so that we can obtain medical advice.

Before triggering the process, the line manager should be satisfied that they have explored any reasonable adjustments to help the employee improve attendance.

20.1 Informal review

We will aim to give the employee 5 working days' written notice of the date, time and place of an informal review meeting.

At the meeting, the line manager and employee will discuss:

- The medical opinion, prognosis and expected timescale for the employee to return to work.
- What support the employee needs to enable them to successfully return to work.
- Whether the employee has a disability under the Equality Act 2010 and whether any reasonable adjustments can be made.
- What impact the employee's absence has on the school's operations.

20.1.1 Possible outcomes of informal review

The line manager will summarise the main points of the meeting in writing, including agreed actions (if any) such as:

- A return-to-work plan.
- Whether to seek further medical advice.

Where the employee recovers and returns to work, the line manager will decide, in consultation with the employee, whether to hold further review meetings.

If an employee's absence continues, the line manager will invite the staff member to the first formal review meeting. If a first formal review meeting is required, this will usually take place at least 8 weeks after the informal review meeting.

20.2 Formal review

There will normally be 3 formal review meetings: the first formal review meeting, the second formal review meeting, and the final formal review meeting. However, depending on the medical situation, it may be appropriate to have fewer review meetings. If the staff member's absence levels do not improve to an acceptable level or if a return to work is unlikely after the final formal review meeting, the headteacher or another senior staff member (or, if the absence concerns the headteacher, the Chief Executive Officer) will convene an ill-health capability hearing, with a panel, to fully review the case.

Each formal review meeting will usually take place 4 to 12 working weeks after the previous one, depending on circumstances. The line manager will inform the employee of each meeting, in writing, 5 working days in advance. The employee has a right to be accompanied to any formal meeting under this procedure by a trade union representative or colleague (see more in section 22).

Where the employee recovers and returns to work during the formal reviews process, line manager will decide, in consultation with the employee, whether to hold further review meetings.

20.2.1 During formal review meeting(s)

We will follow the same process for formal review meetings as for the informal review meeting in section 19.1.

20.2.2 Possible outcomes of formal review

At the end of each formal review meeting, the line manager, in consultation with the occupational health service (if relevant) may decide to:

- Agree the issue has been resolved and take no further action.
- Agree a return-to-work plan with the employee.
- Extend the period of monitoring and review.
- Begin a phased return to work.
- Seek further medical advice.
- **For the first and/or second formal review meetings only:** issue a formal attendance notification. This will warn the employee that they may be dismissed on the grounds of ill health if it's unlikely they can return to work over a reasonable timescale.
- **For the final formal review meeting only:**
 - Explore if the employee is eligible for ill-health retirement.
 - Consider whether the employee can do other suitable work in school.
 - Issue a final attendance notification on the grounds of ill health if the employee cannot return to work at this point or within a reasonable timescale.
 - If medical professionals advise that the employee is unlikely to return to work in a reasonable timeframe, the headteacher (or, if the absence relates to the headteacher, the Chief Executive Officer), will convene a ill health capability review hearing, where the facts of the case will be examined.

After each formal review meeting, the line manager will summarise the outcome in writing, including the employee's right to appeal, within 10 working days if the line manager has issued a formal attendance notification or final attendance notification.

21. Ill-health capability review hearing (for short and long-term absences)

The headteacher (or, if the absence relates to the headteacher, the Chief Executive Officer), will convene a panel to fully review the case if all other options have been explored and:

- An employee's short-term absences have not improved sufficiently.
- The long-term absence of an employee continues due to the nature of the illness.

The headteacher will inform the employee of the meeting, in writing, 5 working days in advance, including that:

- The employee has the right to be accompanied by a colleague or trade union representative.
- If the employee is not well enough to attend, they can send a representative instead and/or submit a written statement.
- The headteacher or line manager will present a recommendation to the panel.
- A possible outcome of the meeting could be dismissal.

21.1 Convening the panel

The panel will usually consist of:

- Three senior leaders who have not previously been involved in the case.
- The headteacher will also invite the following people to the meeting:
- An HR adviser

During the meeting, the headteacher and panel may review:

- The record and pattern of absence, and how likely it is to improve.
- What support the employee has received and whether all appropriate options have been properly explored.

- Whether the employee has an underlying illness, disability, or any other issues raised by the occupational health service.
- The impact of the absence on colleagues, students and the school.
- The needs of the school and best interests of the employee.
- Where the employee remains on long-term sickness absence, to consider whether there have been any changes since the last meeting of the procedure, either as regards a possible return to work or opportunities for return or redeployment.

The staff member will also have the opportunity to present evidence and explain their level of absence and what actions they are taking to reduce it to an acceptable level.

21.2 Deciding on appropriate action

The meeting will be adjourned, and the panel will reflect on it before coming to a decision.

The panel may decide to:

- Keep the staff member's absence under review for a defined period of time
- Agree a return-to-work plan
- Dismiss the staff member: the governing board/board of trustees will dismiss the staff member with notice
- Decide whether the employee can retire on the grounds of ill health (where appropriate)

The chair of the panel will communicate the decision to the staff member in writing within 10 working days.

The decision will also inform the staff member that they can appeal if they are not satisfied with the outcome and explain how to do this.

22. Right to be accompanied to formal meetings

The employee has a right to be accompanied to any formal meeting under this procedure by a trade union representative or colleague. Their details must be provided to the line manager conducting the meeting in good time before any meeting.

We may at our discretion permit other companions (for example, a family member) where this will help overcome particular difficulties caused by a disability, or difficulty understanding English.

A companion may make representations, ask questions, and sum up the employee's position, but will not be allowed to answer questions on their behalf. The employee may confer privately with their companion at any time during a meeting.

23. Appeals

If the employee is not satisfied with the outcome of a review, they have the right to appeal the decision of the line manager, headteacher or panel.

The employee should set out their grounds of appeal in writing within 10 working days and submit this to the headteacher.

An appeal is not designed to re-hear the matter but to examine the grounds of appeal. The employee should therefore be specific about the grounds of the appeal.

However, a full re-hearing may be appropriate in exceptional circumstances.

The headteacher will appoint an appeal panel consisting of 3 people. This will be senior leaders or governors who have not previously been involved in the case and the panel will be chaired by an independent individual.

Appeals will be heard without unreasonable delay. The headteacher will tell the employee the time and place of the appeal meeting in advance.

Employees have the same statutory right to be accompanied to the appeal meeting by a colleague or trade union representative.

The outcome of the appeal will be confirmed in writing by the chair of the appeal panel to the staff member within 10 working days of the appeal. The decision of the appeal panel is final.

24. Monitoring arrangements

This policy will be reviewed and approved every 2 years by the Board of Trustees.

25. Links to other policies

This policy links to the following policies:

- Appraisal policy
- Capability procedure
- Data protection policy
- Family leave policy
- Flexible working policy
- Privacy notice for staff members
- Staff code of conduct
- Staff disciplinary rules and procedures

Appendix A – Template Letters and forms

Please note that the following rules concerning absence apply to all staff:

At the earliest opportunity but no later than the first day after returning to work following an absence, you must complete this form. Please note that it does not need to be completed for attending external training courses, holidays, authorised study leave, absence from the Trust on business or for any absence of less than two hours duration.

Name	Department
First working day absent	Returned to work on
Reason for absence (if it was sickness, please state in your own words the nature or symptoms):	
Signed	Dated

When you have completed this form, please pass it to **XXX**.

Invite to informal sickness review
Please issue on School Headed paper

STRICTLY PRIVATE AND CONFIDENTIAL

NAME

ADDRESS

Dear

We are writing to invite you to an informal sickness absence review meeting in accordance with the procedure for managing [short term/ long term] sickness absence. This is contained within the Athelstan Trust sickness absence policy. A copy of the policy is on the Athelstan Trust website. Please let me know if you would like a paper copy.

If you would like to be accompanied by either a work colleague or trade union official at the meeting, this must be agreed in advance by the Headteacher / CEO.

Potential outcome

The outcome of the meeting will be confirmed to you in writing.

In advance of meeting

Please let me know as soon as possible if you (or your chosen companion) cannot attend the meeting so that we may arrange an alternative time, or if you need any adjustment to the meeting arrangements on account of any disability.

You are encouraged that if you wish to speak to anyone in confidence or in order to receive counselling during this period to contact Health Assured Employee Assistance Programme on 0800 028 0199 quoting the Athelstan Trust's unique code of MHA 222066.

Yours sincerely,

Headteacher

Invite to Formal Review
Please issue on school headed paper.

STRICTLY PRIVATE AND CONFIDENTIAL

Name

Address

Dear NAME

Sickness Absence and Attendance at Work Procedure – Formal review 1/2/3

We are writing to invite you to a [first/ second/ third] formal sickness absence review meeting in accordance with the procedure for managing [short term/ long term] sickness absence. This is contained within the Athelstan Trust sickness absence policy. A copy of the policy is on the Athelstan Trust website. Please let me know if you would like a paper copy.'

Paragraphs for short term sickness

This meeting follows your periods of absence on [insert dates that have given rise to cause for concern] [and our return-to-work [meeting/meetings] on [date(s)]].

The purpose of this meeting is to review your unsatisfactory attendance level, to see what can be done to improve your attendance and to decide what (if any) further steps should be taken. I would like to discuss with you how we can support you to improve your attendance level.

Paragraphs for long term sickness

This meeting has been triggered because you have been absent for 4 weeks / it has been confirmed that you will be absent for at least 4 weeks.

The purpose of this meeting is to discuss the likely length of your ongoing absence and what, if any, steps can be taken to assist you in returning to work (such as a phased return, amended job duties, altered hours of work or workplace adaptations). [This will include discussion of the medical/ occupational health report dated [date], which [I enclose/ you have previously received].]

Details of meeting

The meeting will take place at [time] on [date] [at [location] / remotely via [video conferencing platform]]. I will be chairing the meeting and will be accompanied by [name of HR manager/other manager], along with [another member of the HR department] who will take minutes of the meeting.

You are entitled to be accompanied by either a work colleague or trade union official at the meeting. [If you wish to have a companion with you at the remote meeting, please let me know in advance and I will add them to the meeting invite.]

Potential outcome

The outcome of the meeting will be confirmed to you in writing, and you will have the right to appeal the outcome.

However, any decisions will not be made until you have had a full opportunity to put forward everything that you wish to raise and there has been a short adjournment of the meeting.

In advance of meeting

Please let me know as soon as possible if you (or your chosen companion) cannot attend the meeting so that we may arrange an alternative time, or if you need any adjustment to the meeting arrangements on account of any disability.

Please confirm your attendance within 7 calendar days of the date on this letter via e-mail.

You are encouraged that if you wish to speak to anyone in confidence or in order to receive counselling during this period to contact Health Assured Employee Assistance Programme on 0800 028 0199 quoting the Athelstan Trust's unique code of MHA 222066.

Yours sincerely,

Headteacher

Response to formal meeting.
Please issue on school headed paper.

STRICTLY PRIVATE AND CONFIDENTIAL
NAME
ADDRESS

Dear

Outcome of [first/ second/ third] [short term/ long term] sickness absence review meeting.

We are writing with regard to the [first/second/third] formal sickness absence review meeting held on **DATE**. You were accompanied by **NAME**, trade union representative/work colleague **OR** You were happy for the meeting to proceed unaccompanied. (**delete as appropriate**). You confirmed you have received a copy of the Sickness Absence policy. Please find enclosed a copy of the notes from the meeting – if you wish to make any amendments then let me know.

At the meeting we discussed the reasons for your absence **INSERT DISCUSSION DETAILS**. You confirmed that you **do/do not** require any additional support at this time

OR INSERT DETAILS. Eg: We agreed that a referral to Occupational Health [is not required at this time]/[would be arranged, and this has since been done] delete as appropriate.

Refer to section 19.2.2 or 20.2.2 of Sickness Absence policy for possible outcomes including a formal attendance notification.

Your attendance will be monitored over the next **4 -12 [specify]** weeks and you will be informed in advance of the next review meeting.

You have the right to appeal, within 10 working days, the attendance notification.

Yours sincerely,

Headteacher

Appendix B – What to do when you are ill

On the 1st day of Absence	- Follow your school procedure for reporting absence. - Absences should be reported with as much notice as possible and before your normal start time. - Indicate your likely return to work date. - Agree arrangements for keeping in touch with your line manager (see section 6.2 of this Policy)
If you return to work after less than 7 days of absence	- Complete a self-certification form (available from your HR lead) as soon as you return to work. - Complete a return to work meeting with your line manager.
On the 8 th day of absence	- Obtain a statement of fitness for work from your GP and send this to your line manager. - Obtain further medical certificate(s as required to ensure the whole period of absence is covered. - Agree arrangements for keeping in touch with your line manager (see section 6.2 of this Policy).
If you return to work after 7 or more days of absence	- Complete a self-certification form (available from your HR lead) as soon as you return to work. - Complete a return to work meeting with your line manager.
If you need a phased return to work	- As part of keeping in touch with your line manager, inform them as soon as possible if a phased return to work is required - Agree changes to hours or duties. See section 8.2 of this Policy.
If you develop a disability (including a diagnosis of a medical condition) that affects your ability to do your normal work	- Inform your line manager as soon as possible. - Discuss reasonable adjustments that can be made. - See section 9 of this Policy.

Guidance on other specific health related absences from work (including elective surgery, pregnancy related illness, fertility treatment and stress) are detailed in sections 10 to 15 of this Policy.