

# **MANAGING SICKNESS AT WORK**

**Version 1.1: January 2024**

<b>Date approved by Trustees of Ventrus Multi-Academy Trust</b>	<b>20<sup>th</sup> March 2024</b>
<b>Review Period</b>	<b>Annual</b>

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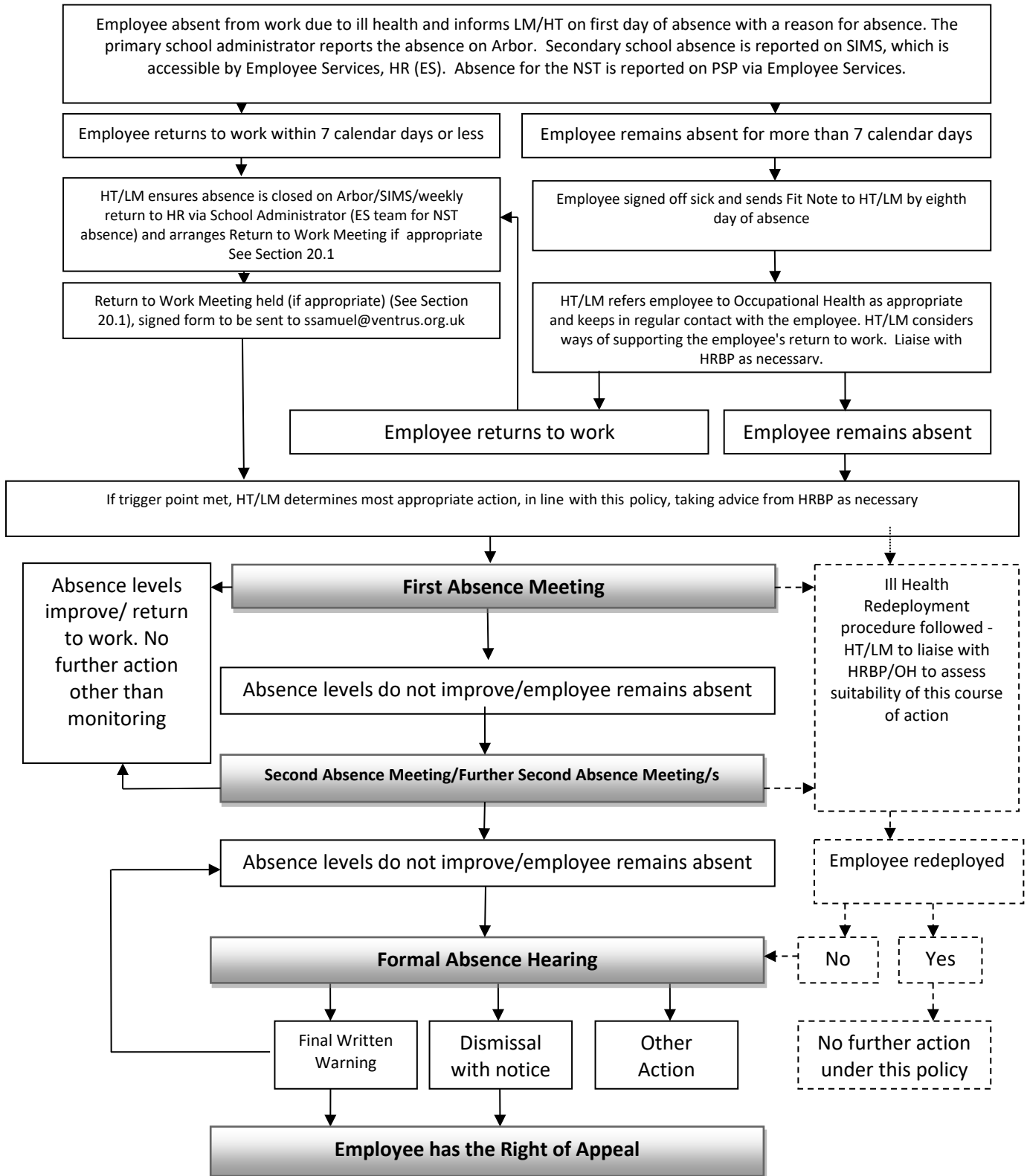
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# PROCEDURE FLOW CHART

Line Manager = LM  
Headteacher = HT

Network Support Team = NST  
Human Resources Business Partner = HRBP

L Scale employee = Leadership Scale  
ES = Employee Services, HR



## **POLICY AND PRINCIPLES**

### **1. Purpose**

This policy is for managing employees' absence from work due to ill health and/or where an employee does not attend work regularly and reliably due to ill health.

### **2. Application and Exclusions**

This policy is based on good practice to ensure a consistent and effective approach. The application of this policy will be fair, equitable, objective and will not discriminate either directly or indirectly on the grounds of an employee's gender, age, disability, gender re-assignment, marital or civil partnership status, pregnancy, maternity status, race (including colour, nationality and ethnic or national origins), religion or belief, sex and sexual orientation.

The Headteacher/Line Manager has specific and overall responsibility for the effective and fair operation of this policy, and all members of staff are responsible for supporting colleagues and ensuring its success.

For absences in the Network Support Team, please use "Line Manager", for absences in schools, please use "Headteacher".

This policy:

- applies to all employees engaged under Ventrus Multi-Academy Trust's Statement of Particulars, including those contracted to a school (where the policy has been adopted).
- does not apply to those employed by other organisations (agency workers) or those employed on other organisations' terms and conditions of employment which include a contractual absence policy, casual workers or volunteers; and
- does not form part of any employee's contract of employment and the Trust may amend it at any time.

### **3. Determining who will hear the matter**

#### **3.1 Absence meetings**

Where there are concerns about an employee's absence(s) due to ill health and action is to be taken in accordance with this policy, the employee's Headteacher/Line Manager should usually deal with the matter. Where the concerns relate to the HT, a Director of School Improvement (DOSI) will manage the matter.

The Headteacher/Line Manager will be responsible for arranging the meetings, writing to the employee and arranging for a suitable person to attend to take notes.

#### **3.2 Formal Absence Hearing**

Formal Absence Hearings must be conducted and chaired by those that have delegated authority to dismiss in Ventrus Multi-Academy Trust. This is an Executive Leadership Team (ELT) member, in accordance with their delegated responsibilities.

The HRBP will be responsible for arranging Formal Absence Hearings, writing to the employee and arranging for a suitable person to attend to take notes.

### **4. Time Limits**

The time limits included in this policy may be varied by mutual agreement. The policy refers to a number of 'days' within which certain actions/events are to occur. A 'day' is defined as any business day, being Monday to Friday and excluding public holidays (as defined by ACAS).

## 5. Being Accompanied

The Employment Relations Act 1999 determines that an employee has a statutory right to request to be accompanied at any Formal Hearing. To invoke that right an employee must make a reasonable request to the employer to be accompanied by either:

- a paid official from a recognised trade union/professional association.
- an official of a trade union/professional association whom the union/professional association has reasonably certified in writing as having experience of, or as having received training in acting as an employee's companion at Formal Hearings; or
- an appropriate work colleague.

Friends/family members are not permitted unless they fall under the above criteria, and it is agreed as appropriate. It would not normally be reasonable for an employee to be accompanied by a work colleague or trade union/professional association representative whose presence would prejudice the Hearing and/or was from a remote geographical location if someone suitable and willing was available more locally.

If an employee's chosen representative is not available on the day proposed for the Hearing, the employee can propose an alternative date within the following five days of the original proposed date.

## 6. Non-Attendance

If an employee fails to attend a meeting or Hearing through circumstances beyond their control, an alternative time and date may be offered. Alternatively, they may submit a written statement or nominate a representative to attend on their behalf.

Where an employee is persistently unable or unwilling to attend the meeting/Hearing without good cause, it will proceed in their absence and a decision based on the evidence available will be made.

## 7. Sick Pay Scheme – Support Staff

Conditions for Local Government employees, including those in schools, are contained in the NJC for Local Government Services National Agreement on Pay and Conditions of Service (commonly known as the 'Green Book'). This sets out the eligibility for sick leave and conditions where sick pay is payable. To receive sick pay, an employee must meet the conditions and eligibility detailed in the Green Book and in addition must:

- notify their Headteacher/Line Manager on the first day of absence.
- provide a doctor's Statement of Fitness for Work (Fit Note) by the eighth day for absences over seven consecutive days.
- provide consecutive Fit Notes to cover the whole period of absence prior to the previous Fit Note lapsing, where there is a continuing sickness absence; and
- undertake any examination that Ventrus Multi-Academy Trust may require by an approved medical practitioner nominated by Ventrus, where prolonged or frequent absences occur.

Sick pay may not be paid if the Headteacher/Line Manager has reason to believe that the absence of the employee is due to:

- an abuse of the sickness scheme.
- the employee's own misconduct or neglect.
- active participation in professional sport.
- working for another employer.
- non-compliance with the conditions and eligibility details referred to above; or
- conduct that is prejudicial to an employee's recovery.

In these circumstances, sick pay may be suspended, and the Disciplinary Policy and Procedures will be followed.

## 8. Sick Pay Scheme – Teachers

To receive sick pay, a teacher must meet the conditions and eligibility detailed in the Conditions of Service for School Teachers in England and Wales (commonly known as the ‘Burgundy Book’) and in addition, must:

- notify the Headteacher/Line Manager on the first day of absence.
- provide a doctor’s Fit Note by the eighth day for absences over seven consecutive days.
- provide consecutive Fit Notes to cover the whole period of absence prior to the previous Fit Note lapsing, where there is a continuing sickness absence, even if this covers holidays or school closure.
- undertake any examination that the Headteacher/Line Manager employee may require by an approved medical practitioner nominated by Ventrus, where prolonged or frequent absences occur; and
- declare to Ventrus Multi-Academy Trust for centrally employed teachers, any entitlement or alteration to any benefits received.

Sick pay may not be paid if the Headteacher/Line Manager has reason to believe that the absence of the teacher is due to:

- misconduct.
- non-compliance with the conditions and eligibility details referred to above.
- conduct that is prejudicial to recovery; or
- active participation in sport as a professional unless the Trust decides otherwise at its discretion.

In these circumstances, sick pay may be suspended, and the Disciplinary Policy and Procedures will be followed.

### 8.1 Absences arising from accidents, injury or assault at work – Teachers

In the case of absence due to an accident, injury or assault which is attested by an approved medical practitioner to have arisen out of/in and in the course of the teacher’s employment, further provisions may apply which are detailed in clause 9 of the Burgundy Book.

## 9. Trigger Points – Sickness Absence

Headteachers/Line Managers should ensure an accurate record is kept of absence from work with reasons for each absence. Trigger points below should be used as guidance to determine when an employee's absence from work is beginning to have an impact either on the service/school and/or colleagues. All absences due to ill health (including pre-arranged absences for planned procedures) are counted towards trigger points.

<b>Trigger Point 1</b>	3 or more single days of absence and/or 3 periods of absence in any rolling 3-month period
<b>Trigger Point 2</b>	6 or more single days of absence and/or 6 periods of absence in any rolling 12-month period
<b>Trigger Point 3</b>	8 or more days of absence in any rolling 12-month period
<b>Trigger Point 4</b>	A discernible pattern e.g., regular absence on a particular day or certain weeks during the year (school holidays/term time, Easter break, Christmas)

## 10. Employees with a Disability

The Equality Act 2010 (‘The Act’) gives employees with a disability certain legal rights. The onus of proof is on the employee to show that they meet the requirements of Section 6 of The Act which looks at whether an employee has a physical or mental impairment that affects the employee’s ability to carry out normal day-to-day activities and whether the adverse effect is substantial and long term. It should be noted however, that some employees are covered by the provisions of The Act from the point of diagnosis when they have a progressive condition such as HIV, cancer or multiple sclerosis.

Employees are not covered by The Act if any impairment is as a result of an addiction e.g., alcohol, nicotine or any other substance (unless originally prescribed). However, there may be underlying health issues resulting from addiction that may lead to the employee being covered by The Act e.g., liver disease, lung cancer.

Where an employee is covered by The Act, Headteachers/Line Managers have a legal responsibility to consider making 'reasonable adjustments' that will assist the employee to reduce and minimise absence and remain at work carrying out the job they were appointed to. It is important to emphasise that adjustments need to be *reasonable* given the circumstances. This does not mean that the Headteacher/Line Manager needs to find completely different work for the employee unless it is reasonable to do so in the circumstances.

Headteachers/Line Managers need to manage the absences of employees covered by The Act appropriately and can seek guidance from their Occupational Health provider as to what adjustments to the work/workplace could be considered. Headteachers/Line Managers will determine whether suggested adjustments are reasonable given the circumstances and may seek advice from the Ventrus HRBP at [hr@ventrus.org.uk](mailto:hr@ventrus.org.uk) marked "FAO HRBP". At each stage of the Sickness Absence Meetings procedure, particular consideration will be given to whether there are reasonable adjustments that could be made to the requirements of a job or other aspects of working arrangements that will provide support at work and/or assist a return to work.

Any absence from work by an employee with a disability which is not connected to the disability should be dealt with in accordance with this policy in the usual way. There will be some cases where the employee's disability prevents them from regularly attending work even though all reasonable adjustments have been put in place. Certain conditions apply if the employee is not attending work due to the disability, covered by the Act, of someone the employee cares for. Further advice should be sought from the Ventrus HRBP at [hr@ventrus.org.uk](mailto:hr@ventrus.org.uk) marked "FAO HRBP".

## **11. Absences that should be recorded separately**

In the following circumstances, the Headteacher/Line Manager should determine whether it can be justified that these absences should be included in assessing the meeting of trigger points e.g., where reasonable adjustments have been made but absence levels are still unsatisfactory:

- any pregnancy related absence (note: if pregnancy related absence occurs during the four weeks prior to the expected week of childbirth [EWC] maternity leave is automatically triggered).
- absence that arises because of an employee's disability under the Equality Act 2010; and
- absences resulting from an accepted accident at work unless resulting from the employee's negligence or carelessness at work.

## **12. Specific long term, serious or life-threatening illness**

At the Headteacher/Line Manager employee's discretion, the stages and outcomes of this policy may be modified for employees who have a specific long-term illness. Discretion may also be used to allow the employee to be accompanied by their partner or support worker in a supportive role if it aids the managing absence process.

## **PROCEDURE**

### **13. Reporting Sickness Absence**

On the first day of absence, the employee must personally contact their Headteacher/Line Manager in accordance with the school's "Calling in Sick Procedure" to:

- confirm the reason for not attending work.
- advise what day they are unable to attend work (even if it was not a normal working day); and
- advise the likely return date, where possible.

In situations where the employee's Headteacher/Line Manager is unavailable, the employee must contact another suitable person in the workplace to confirm the points listed above.

The employee should personally telephone their Headteacher/Line Manager via the phone number shared in the Calling in Sick Procedure. Employees in the Network Support Team should contact their Line Manager. In exceptional circumstances and only if the employee is unable to telephone personally, they should arrange for someone else to telephone their Headteacher/Line Manager on their behalf to explain why they cannot attend work, as well as why they could not speak directly to their Headteacher/Line Manager.

Where an employee fails to report for work and/or maintain appropriate contact during a period of sick leave this may be considered as the employee being absent without authorisation. In these circumstances, action under the Disciplinary Policy and Procedure may be considered once efforts to contact the employee have been exhausted.

Where the Headteacher/Line Manager has concerns about the regularity of an employee's absence or the reasons for the absence given, the employee may be instructed to submit a Fit Note from the first day of any absence. The costs of the Fit Note will be met by the Trust.

The Headteacher/Line Manager is required to:

- record the first day of absence even if that was not a working day for the employee, ensuring that disability and maternity related absences are recorded appropriately (see Section 11).
- review the employee's absence against the trigger points and determine whether any action should be taken.
- consider any health, safety or wellbeing issues associated with the absence.
- where the absence is due to an accident or injury that occurred at work, record and investigate the incident as required in line with HSE guidance [Investigating accidents and incidents \(hse.gov.uk\)](https://www.hse.gov.uk/investigating-accidents-and-incidents/)
- ensure that an appropriate risk assessment is completed for any absence where the work environment may impact on the employee's well-being and consider what action may be taken.

Timely and accurate recording of absence is essential to ensure correct payment of contractual and/or Statutory Sick Pay where applicable.

### **13.1 Absences for more than seven days**

Where the employee has been absent for over 7 days the following communication channels should be followed.

The employee is required to:

- provide their Headteacher/Line Manager employee with a Fit Note from their doctor covering all the days from, and including, the eighth day of the absence through to the last working day before they return to work, regardless of whether these are their working days or not.
- discuss with the Headteacher/Line Manager any recommendations in the Fit Note that would enable them to return to work.
- attend any appointments made as a result of a referral to Occupational Health; and
- maintain contact with and keep their Headteacher/Line Manager informed about their progress and the likely return to work date; and attend any meetings if required to do so.

The Headteacher/Line Manager is required to:

- consider any recommendations in the Fit Note and establish whether these are reasonable, taking advice where necessary.
- maintain an appropriate level of contact with the employee, meeting as necessary to ensure that the employee's absence is managed and that appropriate support to help them return to work is available.
- refer the employee to Occupational Health provider as appropriate.
- refer to the trigger points and determine appropriate course of action in accordance with this policy.
- keep a written record of all actions taken.



There may be circumstances where the employee is asked to liaise with a named individual who is not their Headteacher/Line Manager, or to liaise with the Headteacher only. This will be communicated clearly to the individual as necessary, in writing, with the correspondence being copied to the HRBP. Where this is the case, all references to the Headteacher/Line Manager in the above communication channel should be replaced with the named individual.

In the absence of such an arrangement being brought to the employee's attention, the communication channels stated above should be followed.

### **13.2 Fit Notes/Occupational Health**

Some Fit notes and/or Occupational Health reports may suggest adjustments that could be introduced to assist the employee to return to work. The Headteacher/Line Manager will carefully consider any suggestions and will need to determine if the suggested adjustments are 'reasonable' and can be accommodated, in the workplace, given the nature of the work carried out by the employee and all other circumstances. The Headteacher/Line Manager may seek advice from the HRBP, prior to making their decision. The employer will keep the employee updated of these decisions. If the adjustments are not reasonable and cannot be accommodated, the employee remains unfit for work and should continue to provide Fit notes during the absence.

## **14. First Absence Meeting**

When a trigger point has been reached, the Headteacher/Line Manager may convene a First Absence Meeting with the employee. The employer will take into account the information in Sections 10, 11, and 12 of this policy when arranging a First Absence Meeting with the employee. The employee may be back at work or still absent at this time.

The purpose of the meeting is for the Headteacher/Line Manager employee to:

- clarify the reason(s) the employee was absent from work or is still absent from work.
- ensure the criteria under the relevant sick pay scheme have been met, where the employee is eligible.
- ensure that the employee and Headteacher/Line Manager have been keeping in contact.
- if the employee is still absent, determine the likely date for a return to work.
- discuss what steps the employee has taken to reduce their level of absence.
- discuss the impact the employee's absence may be having on the service/ colleagues and what arrangements might be put in place to cover work etc.
- consider a referral to Occupational Health. This may include a referral to seek advice on the suitability of ill health redeployment, HT to also liaise with HRBP in these circumstances.
- if it is determined that the employee has a disability covered by the Equality Act 2010 (see Sections 10 and 11), agree whether any reasonable adjustments could be considered or reviewed to assist the employee in improving their attendance.
- discuss whether the employee could access any support through specialist groups e.g., counselling; and
- Arrange a date within the following 6-12 weeks for a Second Absence Meeting. This date should be inserted on the outcome of the First Absence Meeting letter. If the absence has improved, this can be replaced by an informal review meeting, which will need to be carefully documented. Speak to the HRBP for support as necessary.

## **15. Second Absence Meeting**

The Second Absence Meeting will be convened by the Headteacher/Line Manager on the date agreed at the First Absence Meeting. It is recommended that the HRBP is invited to attend, or that the case is discussed with the HRBP before the Second Absence Meeting takes place. If the employee's absence(s) has reduced, there may be no need for the pre-arranged Second Absence Meeting to go ahead and can be replaced by an informal review meeting. It is advised that this is documented.

The agenda followed at the Second Absence Meeting will be similar to that followed at the First Absence Meeting but in addition may also include the following points:

- seek further advice from Occupational Health. This may include a referral to seek advice on the suitability of ill health redeployment. If this is the case, liaise with HRBP before the OH referral is submitted.
- seek advice on whether ill health retirement should be considered.
- determine what has prevented the employee from reducing absence levels and if possible, determine likely future absence.
- if the level of absence has not improved between the First and Second Absence meeting, advise that the circumstances concerning absence will be referred to a Formal Absence Hearing at which time the appropriateness of continuing with the employee's contract of employment will be considered.
- where it is determined the employee has a disability covered by the Act, consider whether any suggested adjustments are reasonable or review any already in place.
- discuss any support through specialist groups e.g., counselling, that may be of benefit; and
- if the level of absence has reduced, advise the employee that if they exceed any of the trigger points again within the following 12 months from the last day of absence, the process will recommence at the Second Absence Meeting stage.
- The date of a further Second Absence Meeting should be put in the letter (6-12 weeks), which can be replaced with an informal review meeting if absence has reduced. It is advised that informal review meetings are documented.

Where a further Second Absence Meeting needs to take place following this agenda, advice shall be sought by the HRBP if this is being considered.

In the event that there is not any improvement of the employee's attendance after the Second (or additional) Absence Meeting, the employee may be invited to a Formal Absence Hearing. The Headteacher/Line Manager should liaise with the HRBP if a Formal Absence Hearing is being considered.

## **16. Formal Absence Hearing**

The purpose of the Formal Absence Hearing is to consider whether an employee is able to fulfil their contractual obligation to carry out the job for which they are employed and whether it is possible to continue the employee's employment.

The Headteacher/Line Manager will prepare a summary report which should include the reasons for the absence(s), an up-to-date medical opinion from Occupational Health, which adjustments have been considered or introduced, the impact of the absence on the school/service and/or colleagues and what support measures have been considered. The Headteacher/Line Manager is responsible for presenting the summary report at the Formal Absence Hearing and they may be accompanied by the HRBP.

Examples of where a Formal Absence Hearing will be convened include:

- where there is evidence that an employee, due to illness, cannot carry out the duties for which they are employed.
- following unsatisfactory conclusion of a monitoring period.
- where the employee's pattern of absence illustrates an inability to attend work regularly and reliably.
- where an assessment of an employee who contributes to the Local Government Pension Scheme (LGPS) has been made that meets the criteria for ill health retirement.
- where the employee is assessed by a Physician/Occupational Health Adviser as not fit for work in the foreseeable future and/or there is no indication of when the employee is likely to return to work and where no reasonable adjustments can be put in place to facilitate a return to work.
- where no reasonable adjustments can be put in place to facilitate a return to work; or

- where there is sufficient concern for the employee's welfare and/or for the welfare of others with whom the employee may come into contact with, that the continuation of the contract of employment should be considered.

Where it is determined that a Formal Absence Hearing is to be convened, the HRBP, in conjunction with an ELT member, shall constitute the panel at the Hearing. The panel will notify the employee in writing giving at least 5 working days' notice. This shall include:

- the details of the Formal Absence Hearing.
- the possible outcomes of the Formal Absence Hearing.
- the employee's right to request to be accompanied.
- that the Formal Absence Hearing may take place in the employee's absence if they fail to attend without providing a satisfactory explanation.
- two copies of the summary report; and
- a copy of this policy must be included with the letter.

The possible outcomes may include:

- to issue a Final Written Warning with a review period of up to 12 months.
- adjournment while further medical information/reasonable adjustments are investigated with a date set to reconvene; or
- Dismissal with Notice on full contractual pay, pro-rated to the hours worked, with adjustments as necessary for any national benefits received such as Statutory Sick Pay. During the notice period, employees will be expected to engage in any redeployment process.

Additionally, at least five working days prior to the Formal Absence Hearing, the employee should provide any relevant information that they wish to be considered at the Hearing to the ELT member conducting the Hearing. The employee will be given an opportunity to address the panel whether or not they wish to submit any relevant information.

The ELT member will ensure that all relevant information presented at the Hearing by the Headteacher/Line Manager, and the employee is considered. There will be an adjournment to enable consideration of the information by the ELT member.

The ELT member will reconvene the Hearing and confirm their decision verbally unless valid reasons exist not to do so. In any event, the employee shall be informed of the decision within 5 working days of the Formal Absence Hearing to confirm their decision.

If the decision is to dismiss the employee, the appropriate period of notice should be issued in accordance with the employee's contract of employment. Where a Final Written Warning or Dismissal with Notice is the outcome, the employee will be informed of their right of appeal and where to send their appeal within the letter sent to them confirming this decision.

Where Dismissal with Notice is the outcome, consideration should be given to assisting the employee in seeking suitable alternative employment within the boundaries of their capabilities during their notice period.

## **17. Appeal**

If an employee wishes to appeal against the decision from the Formal Absence Hearing, they must do so in writing, stating the grounds for their appeal, within five working days of receiving the written outcome.

An employee may appeal on the following grounds:

- the sanction given was too harsh given the circumstances.
- the procedure was not fairly or correctly applied; or
- new information has come to light that would directly affect the decision made at the Formal Absence Hearing.

The appeal should be sent to the HRBP. An appropriate person will then arrange for the appeal to take place.

The CEO of the Trust will hear the appeal.

The appeal should be heard without unreasonable delay. A minimum of five days' notice will be given to the employee to allow for preparation.

The outcome of the Appeal Hearing may be to:

- adjourn and refer the matter back to the ELT member if significant new information/evidence is provided, which was not available previously, and may change the original decision.
- conclude a procedural irregularity occurred and determine whether this had an impact on the decision-making process and outcome. If so, determine an appropriate sanction and make a recommendation to rectify the situation.
- uphold the appeal and determine an alternative sanction/appropriate course of action; or
- reject the appeal and confirm that the original decision stands.

The decision will be given verbally to all parties at the end of the Appeal Hearing unless valid reasons exist not to do so. The decision will be confirmed in writing to the employee within five days. An appeal is not a re-hearing of all the facts but determines whether the original decision was reasonable given the circumstances. The CEO's decision shall be final.

## **ADDITIONAL INFORMATION**

### **18. HR Advice**

The HRBP can provide advice and support to any Headteacher/Line Manager or ELT member/Trustee involved in the application of this policy at any stage. This includes attendance at meetings/Hearings where required.

### **19. Employee Responsibilities**

Employees have a contractual responsibility to attend work to carry out the requirements of their role. Employees have a responsibility, where necessary, to take any steps required to minimise their absence. Employees must take all reasonable steps to attend meetings as required and adhere to this policy. It will be the responsibility of the employee or the Headteacher/Line Manager to contact Payroll if they require a hard copy of their payslip to be sent to their home address while absent from work.

### **20. Management Responsibilities**

Headteachers/Line Managers are required to ensure that each employee is aware of this policy, understands the attendance standards required of them and the consequences of not meeting these standards. Action should be taken consistently to identify concerns and reinforce attendance standards before it becomes necessary to take formal action. Headteachers/Line Managers are required to manage the process effectively, fairly and reasonably. In addition, Headteachers/Line Managers should create a healthy and supportive work environment where employees feel valued, want to come to work and have a good work/life balance.

#### **20.1 Return to Work Meetings**

It is at the Headteacher/Line Manager's discretion as to whether a full Return to Work Meeting is carried out for an absence of 3 days or less. Where an employee has been absent on sick leave for 4 days or more, the Headteacher/Line Manager will arrange for the employee to have a Return to Work Meeting. These meetings should take place after each absence of this length and can be brief or more detailed. The meeting enables the school to confirm the details of the absence. It also gives the employee the opportunity to raise any concerns or questions that they may have. It is at the Headteacher/Line Manager's discretion as to whether a Return to Work form is completed.

Where a Return to Work Meeting is held following a long-term absence, the school will, where appropriate and possible, support the return to work by:

- obtaining medical advice.
- making reasonable adjustments to the workplace, working practices and working hours.
- considering redeployment; and/or
- agreeing a return-to-work programme (phased return) with everyone affected. Details of a phased return should be detailed in writing to the employee, with a copy provided to HR for file.

It is at the Headteacher/Line Manager's discretion as to whether a Return to Work form is completed. It is, however, important for all Headteachers/Line Managers to cover all relevant questions on the form. Where a risk assessment is discussed, it is recommended that this be completed within 7 working days of the Return to Work Meeting. Completed risk assessments and forms must be sent to HR@ventrus.org.uk within 3 working days of the Return to Work Meeting.

## **21. Medical Suspension/Fitness to Work**

In some circumstances, it may be necessary to suspend an employee on medical grounds to ensure they do not stay at work or resume their duties, where there is a risk to the employee or any other person the employee may come into contact with. There may also be occasions where an employee's doctor has certified the employee as fit to return to work but given the nature of the work undertaken by the employee, the Headteacher/Line Manager has concerns about the employee's fitness to return to/remain at work. In these circumstances, further advice shall be sought on fitness to work from Occupational Health or the HRBP for any HR process being considered.

## **22. Accident, Incident or Injury at Work**

Any accident, incident or injury arising out of a work activity should be reported to the Headteacher/Line Manager soon as reasonably practicable, copying in the Director of School Improvement (DOSI) and HRBP. The Headteacher/Line Manager should ensure the Oshens Accident Reporting System is completed. Absences occurring because of an accident, incident or injury at work shall be monitored separately from trigger points but should be managed in accordance with Section 11 of this policy.

## **23. Recording of Information**

A written record will be made of all meetings held during the application of this policy. Those involved in each meeting will be provided with a copy of any records made, upon their written request to the HRBP.

The Headteacher/Line Manager will ensure there is a record of the process which should include all statements, records and evidence. All records will be retained confidentially, securely and in accordance with the Data Protection Act.

## **24. Raising a grievance during the application of this policy**

If an employee is currently being managed under this policy and has a complaint related to either the person applying it and/or its application, the employee will raise a complaint under this policy which will be investigated. It may be necessary to suspend the application of the policy while the complaint is being looked into. Any delay to the application of this policy to deal with an employee's complaint should not exceed 10 days.

If an employee has an unrelated complaint, then the employee should use the Grievance Policy and Procedure. As the matter is unrelated, there will be no need to put any absence process currently being applied on hold as the complaint will be dealt with in parallel.

## **25. Professional Standards/Statutory/Registration Requirements**

Some professions have minimum standards of fitness to be able to carry out the role and all employees covered by these standards and Headteachers/Line Managers for these staff should ensure they are familiar with the obligations e.g., Health Standards (England) Regulations 2003 (for staff in schools), Health and Care Professions Council's Guidance on Health and Character (2021) (for health and social care professionals).

## **26. Employees attending work but unable to carry out all aspects of their Job**

There may be situations where an employee attends work but is unable to carry out the full duties/requirements of their job, not as a consequence of a disability or ill-health but due to factors which are not related to their health. The factor may prevent the employee from undertaking duties such as responding quickly and effectively to children's needs in an emergency; caring for vulnerable adults appropriately; or inhibiting the employee from carrying out personal care to clients. In these circumstances, the Capability Policy should be used to manage the situation after determining that no underlying health issues exist.

## **27. Confidentiality**

Any parties affected by, or involved in the application of this policy will be expected to maintain an appropriate level of confidentiality. Breaches of confidentiality will be taken seriously, especially if they hinder the application of the policy. Failure to maintain confidentiality may result in action being taken under the Disciplinary Policy and Procedures.

Disclosure of information may also be a breach of the Data Protection Act and may lead to action being taken under the provisions of this legislation, in addition to actions being taken under the Disciplinary Policy and Procedures.

## **28. Pensions**

Termination of employment under this policy does not mean that the employee's pension will be released automatically. The employee should seek further advice from their pension provider. Teachers should contact Teachers' Pensions at [www.teacherspensions.co.uk](http://www.teacherspensions.co.uk). Members of the Local Government Pension Scheme can make contact at: [www.lgps.org.uk](http://www.lgps.org.uk) or <https://www.devonpensionfund.org.uk/>.

## **29. Redeployment**

If the employee is dismissed with notice under this policy, the Headteacher/Line Manager should take all reasonable steps to assist employees to find a suitable alternative job within the Trust.

## **30. Support for Employees**

Employees are encouraged to seek support from their trade union/professional association in the first instance. Procedural guidance relating to this policy is available from Ventrus HR at [hr@ventrus.org.uk](mailto:hr@ventrus.org.uk) marked "FAO HRBP".

Where a referral to Occupational Health is required, this should be made by the employee's Headteacher/Line Manager.

## **INFORMATION FOR SCHOOLS ONLY**

### **31. Adopting the Policy**

This policy was adopted by the Trustees of Ventrus on 27.11.13.

### **32. Consultation**

This policy is provided following consultation with trade unions/professional associations and will apply to all employees.

This Policy supersedes all previous absence management policies.

### **33. Delegated Responsibilities**

In line with the School Staffing (England) Regulations 2009, the Trustees must determine who has delegated responsibility for Hearings, which may lead to dismissal, as part of this policy:

- Absence Meetings may be delegated to L-Scale staff, by the Headteacher.

- Formal Absence Hearings will be delegated to an ELT Member
- Appeal Hearings will be heard by the CEO regardless of the delegation above.

### **34. Issuing/Retracting a Notice of Dismissal**

Where a decision to dismiss an employee is taken under this policy the CEO will issue notice of dismissal.

Where an appeal against dismissal is upheld, the notice issued to the employee will be retracted and the employee will be reinstated. The CEO will retract the notice.

## APPENDIX 1 POLICY HISTORY

Policy Date	Version	Summary of change	Contact	Version/ Implementation Date	Review Date
27.11.13		New Policy Date of consultation with recognised Trade Unions – November 2012 and September 2013	HR ONE	27.11.13	
25.5.14		Removed reference to counselling service and replaced with EAP contact details.  Section 19: added statement to the effect that it will be the responsibility of the employee (Headteacher/Line Manager/L Scale employee) to request a hard copy of their Payslip from Payroll if they are unable to access it electronically.	HR ONE	25.4.14	
May 16		Revised policy to reflect wellbeing@work to occupational Health Provider	S Levi	TBC July 2016	
Mar 18	V1.0	Revised policy to reflect the Trust's Leadership structure and terminology.	SL Updated Nov 17 Contact: SS	March 18	2020
Oct 19	V1.1	Added: 13.1 - clarification on communication channels when an employee is sick for more than seven days.  Section 15 – further Second Absence Meetings may be required.  20.1 - Return to Work interviews, clarity of approach.	SS Updated Oct 19	Dec 2019	Dec 2020
Oct 2020	V1.1	No legislation changes, policy updated	SS Updated Oct 20	Oct 2020	Oct 2021
Jan 2021	V1.1	No legislation changes, policy updated	SS Updated Jan 21	Jan 2021	Jan 2022
Jan 2022	V1.1	No legislation changes, policy updated throughout to provide further clarification. Main points: Section 15, added involvement of HRBP for second absence meetings Section 20, details of phased return should be put in writing to the employee and sent to HR Section 22, DOSI and HRBP to be notified of any accident at work.	SS Updated Jan 21	Jan 22	Jan 23
Dec 2023	V1.1	Updated throughout to clarify Return to Work meetings, detailed in Section 11. Updated throughout to reflect further Second Absence Meetings. Section 15: - it is advised that informal reviews are	SS Updated Dec 23	Jan 23	Jan 24



		<p>documented</p> <ul style="list-style-type: none"><li>– liaise with HRBP if ill health redeployment is being considered</li><li>– further Second Absence meetings should be within 6-12 weeks.</li></ul>			
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