



**HEALTH RELATED ABSENCE
POLICY
AND PROCEDURE**

September 2018

Policy Statement

The Trust value the contribution of its staff in the delivery and maintenance of quality services.

Whilst recognising that employees may be prevented from attending work through ill health, the trust has a duty to maintain service delivery and minimise disruption. The trust is therefore committed to attendance, managing all health-related absences and creating a culture whereby all employees work to maximise improving attendance for the benefit of both, themselves, the school and the community. The costs of health-related absence does have a significant impact on service delivery and on colleagues within the workplace and the number of days lost to health-related absences should be kept to a minimum.

The school will achieve this through:-

- Promoting a positive attendance culture ensuring support of an individual's wellbeing and providing the facility of a wellbeing meeting with all staff on an annual basis
- Promoting the health, safety and wellbeing of all employees
- Monitoring levels of health-related absence of individuals and groups of staff
- Providing support for staff at times of needs, which may include Discretionary Leave or temporary adjustments to their post whilst addressing unacceptable levels of absence for health-related reasons.

Within each trust school, the headteacher or their representative is responsible for the management of sickness absence of all staff employed to work in the school. The Chief Executive Officer is responsible in respect of the headteacher's sickness absence.

Management of health-related absences may on occasions result in the need to implement formal action resulting in the dismissal of an employee.

Principles

The Academy Trust will:-

- Ensure fair, consistent and equitable treatment of all employees who are absent from work for health-related reasons
- Seek medical advice from the Occupational Health provider in those cases where the school considers it appropriate and following advice from the HR Service
- Consider whether reasonable adjustments are able to be made for an employee in accordance with the Equalities Act 2010
- Monitor all health-related absences within approved triggers as below:
 1. 3 periods of absence over a rolling 12-month period
 2. Bradford Factor score over 350 in a 12-month rolling period
 3. Return to work following long term sickness absence (20 calendar days)
 4. Cause for concern over levels and patterns of absence this includes but is not an exhaustive list:

- Periods of absence on a particular day of the week
- Periods of absence prior to and/or immediately following periods school holidays
- Period of absence prior to expected OFSTED visit
- More detailed advice is provided on pregnancy related absences and those covered by the Equalities Act within the Additional Guidance Section of this document

Roles and Responsibilities

Employees are required to:-

- Attend work and fulfil their contractual obligations
- Comply with the health-related absence procedures
- Keep their headteacher informed as soon as possible of any change in their health condition that affects their ability to do their job or causes non-attendance at work
- Provide a fit note as soon as this is issued by the employee's GP and ensure that any continuing absence is covered by a current fit note until they return to work
- To notify their headteacher if they are going to be away from their home address during any sickness absence period and provide a timescale for return
- Be available during normal working hours to attend a meeting in the workplace (or in exceptional cases a venue away from the workplace) with their headteacher and/or HR to discuss their absence and return to work plans
- Share relevant information with their headteacher with regards to their absence
- Attend all meetings and interviews as required by the school or trust connected with this policy and procedures
- Co-operate with all efforts to identify and implement reasonable adjustments
- Comply with safe working practices and procedures
- Participate in treatment programmes where appropriate e.g. alcohol policy
- Do their utmost to facilitate a speedy return to fitness and work
- Attend meetings with the headteacher and HR in cases of perceived work-related stress absence during the first 5 to 10 calendar days of absence.

Headteachers and central HR trust team members are required to monitor and manage attendance of their staff by:-

- Creating a positive culture within the school/trust offices where people want to attend work
- Establishing the reasons for absence and maintain contact with employee
- Have an understanding of mental health issues by attending relevant training
- Conducting meaningful interviews and meetings with employees without delay
- Making arrangements to meet with employee in cases of perceived work-related stress absence, during the first 5 to 10 calendar days of absence
- Facilitating the earliest return to work possible for employees on long term absence, considering reasonable adjustments as appropriate
- Accurate recording and monitoring of absence in accordance with approved triggers and take appropriate action

Breach of Procedures

Occupational sick pay is paid on the basis that an employee adheres to the policy and procedures of the Trust. Failure to comply with these procedures may lead to loss or suspension of pay and/or occupational sick pay where the requirements of the Health-Related Absence Policy have not been followed.

All employees covered by these procedures should be aware that failure to comply with the provisions of the Health-Related Absence Policy may be subject to investigation, for example by (this list is illustrative and not exhaustive) -

- Providing false information relating to the reasons for absence
- Failing to comply with the reporting procedure including going on holiday without requesting permission from the headteacher or non-availability for meetings with headteacher or their representative
- Failing to attend meetings as required
- Failing to provide fit notes as required and within reasonable time period
- Undertaking activities in such a way which is not conducive to aiding recovery and facilitating speedy recovery to work.

Where it is believed that the policy has been breached, allegations of misconduct may result in formal disciplinary action (up to and including dismissal) under the Trusts Disciplinary Procedure.

HEALTH RELATED ABSENCE PROCEDURE

The procedures for the management of Health-Related Absences will include the monitoring of attendance by the headteacher and three formal stages which headteachers will follow and each case will be considered on an individual basis depending on the circumstances.

- Stage 1 - Headteacher to hold a mandatory Health Related Absence Interview when one of the school triggers has been met. Trust HR personnel to be present.
- Stage 2 – After consultation with Trust HR, case referred to stage 2 at the headteachers discretion - employee issued with Notice to Improve letter and continued monitoring of attendance.
- Stage 3 - After consultation with Trust HR, case escalated to stage 3 at the headteachers discretion - Headteacher to refer case to Health-Related Absence Hearing with range of sanctions up to and including dismissal.

Notifying Health Related Absences

In order for service delivery to be maintained, employees have a contractual obligation to inform their headteacher of their inability to attend work and the reason for this on the first day of absence and as soon as possible which, in some cases, would be prior to normal start time or before an agreed time specified by the headteacher or Trust HR. Where the policy refers to headteacher this can also include any responsible person delegated by the headteacher, after consultation with Trust HR. The Trust will establish the protocols for the needs of its provision to pupils based on the following:

- Employees should personally report their absence from work by telephone to their headteacher. Telephone calls should not be made by family members or friends unless there are exceptional circumstances
- Emails or text messages are not accepted
- It will not be acceptable to report an absence to a colleague
- If the headteacher is not available, the employee must leave a contact number or contact Trust HR. The headteacher, their assigned responsible person or Trust HR will make contact that day with the employee
- Where possible employees need to specify the length of time they expect to be absent. If this is not possible the employee must ensure that they stay in regular contact with the headteacher or assigned responsible person during their absence
- Health related absences of less than 7 days should be self-certified by the employee by completing of a self-certification form on their return to work
- If the employee does not maintain contact, then the employee should expect the headteacher or assigned responsible person to telephone them to establish a reason/timescale for the absence at any point during the absence
- Failure to report absences, maintain regular contact with the headteacher and submit Fit Notes as required, may lead to the absence from work being considered as unauthorised, resulting in loss of pay and/or disciplinary action
- Employees who become unwell during a period of annual leave (staff who work all year round) and would otherwise be reporting as unfit to work, should comply with the absence reporting procedures for notification of health-related absences and report the absence on the first day that they become unwell and would have been unfit to attend work. The employee will also require a Fit Note from the first day of absence

If an employee reports that the reason for absence is stress related (whether personal or perceived work-related stress or a combination of both), it is essential for contact to be established, support to be offered as soon as possible to assist the employee and for discussions to take place on any work-related issues.

Fit Note supplied by Medical Practitioner

If the health-related absence continues for more than 7 calendar days (including non-working days), a Fit Note is required usually from the employee's GP and must be sent to the headteacher directly after the date of issue. The Fit Note provides advice to the employee about their fitness to work i.e. that the employee is 'not fit for work' or 'may be fit for work', if taking into account the GP's advice which can be adopted by the headteacher. Fit Notes can be hand-written or computer-generated and printed out.

If issued with a Fit Note, employees need to be aware that:

- They must telephone the headteacher or Trust HR on the day the note is obtained to provide an update and the Headteacher will specify future contact arrangements e.g. weekly, monthly and subject to the circumstances
- They are responsible for ensuring that all period of absences after 7 calendar days are covered by a Fit Note and that adequate arrangements are made to obtain a further Fit Note prior to the expiry of the current Fit Note
- Headteachers can arrange a flexible or phased return to work of any reasonable duration and at any time throughout the absence depending on the individual circumstances and a "signing off note" is not required

- Failure to comply with these procedures may also lead to loss or suspension of pay and/or occupational sick pay where the requirements of the Health-Related Absence Policy have not been followed

Return to Work Interviews

The Headteacher or assigned responsible person will hold a return to work interview following every health-related absence lasting three working days or more and this should be held as soon as possible and usually no later than 48 hours of the employee's return to work, or in accordance with operational protocols.

A record of the return to work interview must be made and retained by the headteacher or assigned responsible person on the return to work interview form.

In long term absence cases this meeting may take place immediately before the return to work is due to take place and within the final Absence Meeting to discuss arrangements for the return.

The purpose of the return to work interview is to:

- Discuss the reasons relating to the absence with an employee
- Employee to confirm fitness to be back in work
- Consider any adjustments that may be necessary to support the employee
- Update the employee on any developments in the workplace during their absence
- The headteacher or assigned responsible person to review overall attendance and establish whether absence triggers have been met and consider what further steps/action may be taken
- Record and complete the return to work interview form and place on file

Management of Long-Term Absence

The continuous absence from work for health-related reasons of more than 20 calendar days are considered to be long term. It is important that regular contact is maintained between the employee and the headteacher, assigned responsible person or Trust HR .

Submission of a Fit Note will be recorded and frequency of management contact will be arranged, this will be considered based on the reasons for absence and the circumstances.

Throughout any period of long-term absence employees are required to attend Absence Meetings with their headteacher or assigned responsible person at the school or an alternative suitable location.

If the employee fails to adhere to the requirements within this procedure, it may result in deduction of Occupational sick pay and/or disciplinary action.

The first Absence Meeting will usually be held with the employee within 20 calendar days from the start of the absence. The role of the headteacher or assigned responsible person is to support the employee and also help facilitate the earliest return to work. Subsequent absence meetings should take place on a regular basis during the absence, in order to discuss the following as appropriate:

- Identify progress, support and treatment/specialist help being received

- Consider temporary adjustments that may be put in place to support a flexible return to work, which could be prior to the end date on the fit note and within anytime of the absence
- Discuss any medical advice received from the employee's G.P, or Occupational Health
- Establish if a return to work date can be given
- Consider seeking guidance from Occupational Health.
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The headteacher or assigned responsible person should support the employee in their return to work which can be arranged at any time during the period of a Fit Note and does not require a 'signing off note'. Headteachers can arrange a flexible or phased return to work of any reasonable duration and at any time throughout the absence depending on the individual circumstances and the needs of the school.

Headteachers can approve a period of annual leave from an employee (support staff) who works all year round, on request, should the individual wish to use their leave entitlement during a period of sickness absence covered by a Fit Note, when it is beneficial for them to do so.

The headteachers can approve a period of unpaid discretionary leave from an employee on request, should the individual wish to use this facility during a period of sickness absence covered by a fit note, when it is beneficial for them to do so. An example of this maybe the need to be absent from work due to the need to care for others or support family members who are ill.

If the Fit Note advises that adjustments in the workplace may support the employee to be in work then the headteacher, assigned responsible person or Trust HR will contact the employee to discuss. Employees can return to work at any time during the period of the fit note with adjustments as appropriate.

If the employee is unable to return to work the headteacher or assigned responsible person will also be responsible for considering when it is necessary to refer the absence to Stage 3 of the procedure and a Health-Related Absence Interview should be arranged. Stage 1 and Stage 2 of this procedure will not apply in such cases as the employee is absence from work and therefore unable to take steps to improve their attendance.

The headteacher or CEO may decide to refer the case to a Health-Related Absence Hearing, after having sought advice from Occupational Health. This could lead to the employee's employment being terminated on the grounds of their continued health related absence.

STAGE 1

Key Points for the management of attendance in Stage 1

The headteacher will be responsible for monitoring of attendance levels for each member of staff, based on the information maintained within the school and also supplemented by a Bradford Factor report.

Mandatory Health Related Absence Interview

Where a member of staff meets any of the health-related absence triggers within this policy, the headteacher or appropriate responsible person must hold a mandatory Health Related Absence Interview which should be held soon after the return to work interview. As detailed within the principles of this policy the schools approved triggers are:

- 3 periods of absence over a rolling 12-month period
- Bradford Factor score over 350 in a 12-month rolling period (HR will advise)
- Cause for concern over levels and patterns of absence
- Return to work following long term sickness absence (over 20 calendar days)

This includes all absences including those related to medical conditions within the provisions of the Equalities Act 2010 and those linked to Industrial injury. Periods of absence which are pregnancy related are discounted from the monitoring of sickness absence.

The purpose of a Health-Related Absence Interview is to review the attendance record and allow the employee to expand on the reasons for absence, discuss how attendance can be improved, discuss if reasonable adjustments can be considered and assess whether any further action is necessary. The headteacher/CEO will outline the need to see an improvement for attendance and advise the employee that ultimately if attendance does not improve then their employment could be at risk.

The outcome of a Health-Related Absence interview may include retaining within Stage 1 for a monitoring period or to escalate to Stage 2. This will be at the discretion of the headteacher/CEO or appropriate responsible person depending on the information obtained during the interview and previous action taken. Headteachers are expected to seek guidance from the Trusts HR Service.

STAGE 2

Key Points for the management of attendance in Stage 2

Following a Health-Related Absence Interview/review meeting in stage 1 the headteacher or appropriate responsible person has discretion to escalate the attendance of employee to Stage 2 which will include the issuing of a Notice to Improve letter.

The monitoring period within Stage 2 should be considered and set by the headteacher or appropriate responsible person and should be for a period no longer than 12 months from the date of the Health-Related Absence Interview/Review meeting at the start of Stage 2.

During the Stage 2 monitoring period the headteacher or appropriate responsible person will continue to monitor attendance levels as part of the return to work interview procedures. A further Health Related Absence Interview will be held at the end of the monitoring period to consider whether a significant and sufficient improvement has been made and the monitoring period will end or progress to Stage 3. If there is the cause for concern during the monitoring period, the review meeting will be brought forward to discuss the concern and take appropriate action.

Following the end of the monitoring period the attendance will continue to be monitored and the Notice to Improve letter will remain on file of the employee for a period of 12 months. If attendance becomes a cause for concern in this period, the case will be immediately referred to Stage 3.

STAGE 3

Key Points for the management of attendance in Stage 3

Prior to a formal hearing. If attendance continues to be a problem the headteacher/HR will seek to hold an informal welfare meeting to assess whether escalation to Stage 4 is necessary. The aim of this meeting is to consider any additional support that can be offered to the employee and to seeks ways of reducing the concern.

STAGE 4

Key Points for the management of attendance in Stage 4

The headteacher or appropriate responsible person must notify the CEO and seek guidance from HR before escalation to Stage 4 referring to a Health-Related Absence Hearing. Advice will be sought from Occupational Health as necessary. The outcome of Stage 4 will include a range of options up to and including dismissal for incapability and the employee will have the right of appeal.

The employee will be required to attend a Health-Related Absence Hearing when:

- An employee's level of health-related absences mean that they are not rendering regular and effective service and therefore the employee is not fulfilling their contractual obligations
- The Occupational Health Physician states that the employee is not fit to return to work or undertake alternative work for the foreseeable future or the timescale for return is not acceptable to the headteacher
- The Occupational Health Physician states that the employee is not fit to return to their own work and where the employee is unable to find alternative work within the Trust
- Where the continued absence from work is considered to be unreasonable
- Where an employee's absence levels have failed to adequately improve during earlier stages of this procedure

The employee will have the opportunity to attend a Health-Related Absence Interview in which to discuss the level of absence with their headteacher prior to the referral to a formal Health Related Absence Hearing.

Schedule for a Health-Related Absence Hearing and Appeal

A Health-Related Absence Hearing will be convened and heard by a governance committee. The committee will ideally consist of three members (excluding the Chief Executive, Headteacher and staff who work at the school).

The employee will, no later than 7 (was 14) calendar days before the hearing, be informed in writing of the date, time and venue of the hearing. The letter will set out the detailed reasons for the hearing and copies of any documentation it is intended to rely on will be circulated with the written notification of the hearing. Additionally, the written notification should caution the employee that the hearing may result in a decision to dismiss.

The management case will be presented to the governance committee together with all documents relevant to the employee's health and attendance. Any representation made by the employee or their trade union representative or work place colleague or any written submission made in the employee's absence will be given due consideration before any decision is taken.

The undermentioned procedure will be followed at the Health-Related Absence Hearing and will be overseen by Trust HR personnel:

1. The Headteacher/Responsible Person will put the case
2. The member of staff (or her/his representative) will ask questions of the Headteacher/Responsible Person
3. The members of the committee will ask questions of the Headteacher/ Responsible Person
4. The Employee (or her/his representative) will put her/his case
5. The Headteacher/ Responsible Person will ask questions of the employee and/or her/his representative
6. The members of the committee will ask questions of the employee and/or her/his representative
7. The Headteacher/Nominated Person to sum up
8. The Employee (or her/his representative) to sum up
9. Summing up should concentrate on the key points of the case. These points should be concise and last no more than a few minutes.
10. The Chair of the committee may adjourn the proceedings at any stage if this appears necessary or desirable. If adjourning for the purpose of enabling further information to be obtained, s/he will specify the nature of that information. Any adjournment will normally be for a stated period
11. Following the summing up, both parties, together with their representatives will withdraw. If it is necessary to recall one of the parties for further information before a decision is taken, both parties shall be recalled. The HR consultant attending the committee shall remain during the committee's deliberations.

12. The Headteacher/members of the Committee will consider:-
 - The employee's overall absence record
 - The impact of the level of absence on the school
 - Representations from the employee
 - Whether the employee could be regarded as disabled within the meaning of the Equality Act 2010 and if so whether reasonable adjustments have been considered/implemented
 - The management of the case
 - Any medical advice received
 - Whether options for alternative employment on medical grounds have been explored in cases of long-term absence
 - Whether the criteria for ill health retirement has been met in cases of long-term absence
13. The decision will be confirmed, in writing, by the Clerk to the Governance Body within five working days.
14. During the Health-Related Absence Hearing/Appeal hearing the decision of the Chair of the committee, as to procedure and which matters are of relevance to the proceedings, will be final.
15. The Chair of Committee will write to the employee within 5 working days of the Hearing, confirming the decision and actions identified, including action or options to be applied. The letter will also inform the employee of their right of appeal.

SECTION 2 - ADDITIONAL GUIDANCE

1. **ACCESS TO WORK SERVICE**

The Access to Work Service (Job Centre Plus) may be able to provide a funding grant if the employee applies for support to assist in making reasonable adjustments. The responsibility is with the employee to make an application. It is not the role of Access to Work to give an opinion on whether or not an individual is covered by the Equalities Act 2010 and the fact that a grant is approved will not automatically mean that an individual is considered to be covered by the Act. Any member of staff may contact Access to Work for advice and support.

2. **ALCOHOL AND DRUG ABUSE POLICY**

This policy deals with two major aspects of alcohol and drug abuse in the workplace and mirrors the Local Authority policy in this area: 1. the Trust's attitude to, and rules about alcohol consumption and drug abuse as they affect health, safety and work performance; procedures which the Trust has adopted to help an employee who is experiencing problems related to alcohol and drug abuse.

Policy statement

The Trust recognises the need to consider alcohol and drug abuse primarily as health problems. The Trust will endeavour to respond to an employee suffering from an alcohol/drug abuse problem in a confidential, sympathetic and constructive way.

Referral, through this procedure, does not exempt an employee from their responsibility to adhere to the school's rules and regulations. Any breach of these rules and regulations may lead to separate disciplinary action for misconduct.

The Trust views the consumption of alcohol or use of drugs whilst at work, during break times, or immediately prior to starting work as incompatible with good practice in terms of health and safety. It is also likely to be detrimental to job performance regardless of whether or not the job involves driving vehicles or use of machinery.

The Trust is not attempting to interfere with an employee's private life. The concern is simply to ensure that the harmful effects of drug abuse or alcohol consumption in terms of health and safety are minimised.

Content

The policy provides for the referral of an employee to the Occupational Service Provider.

An employee may, in confidence, contact Trusts HR to discuss the problem with their Teachers' Association/Trade Union Representative, or ask their Headteacher for help with referral under this policy.

Special leave of absence, with pay, may be granted to an employee undergoing treatment on the understanding that they:-

- (i) co-operates fully with any programme of support/treatment set out by the agency attended;
- (ii) agrees to the Trusts HR, or the Occupational Health Service liaising with the treatment agency regarding attendance and co-operation with treatment;
- (iii) agrees to relevant information being released, particularly with regard to any risk which an individual may pose to themselves or others.

All information given by the treatment agency will be treated in confidence, as far as possible.

The policy will apply in the following circumstances:-

1. as a result of voluntary referral by the employee himself/herself;
2. as a result of informal discussions with the Headteacher following inadequate work performance or behaviour;
3. as a result of disciplinary procedures.

Additional notes

Possible indicators of an alcohol or drug abuse problem may include:-

- frequent lateness, repeated brief periods of absence for trivial or inadequate reasons, poor productivity, impaired concentration and memory;

- absenteeism - certified or uncertified, particularly related to weekends or holidays;
- being accident prone - minor accidents on or off the job, mistakes and errors of judgement;
- smelling of alcohol, or being under the influence of alcohol during working hours;
- mood changes, irritability, lethargy, hand tremor, slurred speech, facial flushing, bleary eyes, poor personal hygiene.

NB. these may also be indicative of other medical conditions.

3. ALTERNATIVE EMPLOYMENT (REDEPLOYMENT)

The Trust is required to consider alternative employment options in situations where employees are unable to continue in their own post for reasons of ill health and when the Occupational Health Physician makes this recommendation. A meeting will take place with the employee, Headteacher and HR Adviser to discuss.

4. CAUSE FOR CONCERN – UNFIT TO TEACH/UNFIT TO SUPPORT

Action by Headteacher, CEO or Head of Trust HR

The Headteacher, CEO or Head of Trust HR may take any emergency action when she/he has reason to think that a teacher/support staff may have become medically unfit to perform their duties. Such emergency action may include:-

- (i) sending the member of staff home, to consult GP, on sick leave/full pay;
- (ii) medically suspending a member of staff from duty;
- (iii) referring a member of staff to the Occupational Health Service following receipt of a Fit Note which gives cause for concern before allowing him/her to return to work.

5. EQUALITY ACT 2010

Under the Equalities Act 2010 a person is considered disabled if they have:

A physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. Long term means that the condition has lasted or is likely to last for at least 12 months.

The headteacher or CEO will consider whether any reasonable adjustments can be made in the employment of a disabled person and this can include adjustments to working arrangements and physical changes to the premises or equipment on a permanent or temporary basis.

In considering whether reasonable adjustments can be made the following points may be taken into account:

- Will the adjustment be effective in preventing the disadvantage?
- Is the adjustment practical?

- The extent of any disruption?
- The extent of financial resources?
- The financial or other assistance which may be available to the employer to help make the adjustment.

In the case of a disabled employee, it may be appropriate to make adjustments to applying the triggers and advice should be sought from HR. Identifying a reasonable adjustment can be a creative process as there is no “one situation fits all” method to use. The headteacher must determine what reasonable adjustments can be provided based on the requirements of the role, the information provided by the employee, and if required, external advice. Often a simple yet creative solution can be found.

6. FIT NOTE GUIDANCE

What they are

The Fit Note allows a doctor to provide an employee with information on how their condition affects their ability to work and may suggest adjustments that would support an individual to return to work. It helps headteachers/Trust HR to understand how they might be able to help an employee return to work sooner.

Understanding the fit note

When a doctor issues a Fit Note they will advise on one of two options. An employee will be either “not fit for work” or “maybe fit for work”

“Not fit for work”

The doctor will choose this option when they believe the health condition will prevent someone from working for a stated period of time. However the advice on the fit note is given as evidence of illness for the purposes of sick pay and is not binding. If the recovery is earlier than anticipated, an earlier return can be discussed and facilitated by a headteacher an employee may return to work. A further note (signing off note) is not required to specify this. Similarly, an employee may choose whether to accept their doctor’s advice or not on whether they need to be assessed again at the expiry of the specified period.

“May be fit for work”

The doctor will choose this option when they believe someone may be able to return to work with some help from their employer.

The doctor may include some comments which will help the headteacher understand the effect of a particular condition on ability to work. If appropriate, they can also suggest one or more common ways to help to facilitate a return to work. The doctor may indicate a timescale, or the expiry date of the fit note can be used as a guide. This could include:

- A flexible return to work – where an employee may benefit from a gradual increase in work duties or working hours, e.g. after an operation or injury
- Altered hours – suggesting the flexibility to start or leave later or avoid a shift pattern
- Amended duties – to take into account the condition, e.g. working on the ground floor if there are mobility issues

Discussing a fit note with an employee

If the doctor has indicated the employee “may be fit for work” then a discussion should take place on whether an employee may be able to return to work within 2 working days whenever possible of receipt of the Fit Note.

If it is possible for a return to work agree:

- How this will happen
- What support can be given, for how long and then reviewed

Headteachers should use their discretion in agreeing to a flexible return to work and are encouraged to support employees wherever possible in accordance with the business needs of the school. Headteachers are expected to seek guidance from HR if longer term changes may be necessary. This discussion can be amalgamated with the Final Absence Meeting or the return to work interview.

Sometimes it may not be possible for the Trust to make the changes required to support a return to work. If this is the case a doctor is not required to issue a new fit note and the existing Fit Note will cover the employee’s absence until the date of expiry.

7. ILL HEALTH RETIREMENT

Teachers

Following referral to Occupational Health and their recommendation for the employee to apply for ill health retirement, the employee should submit their application to Teachers Pensions directly. The application for ill health retirement should be submitted within a reasonable timescale following the Occupational Health recommendation. If the application is not submitted within a reasonable timescale a referral to a Health-Related Absence hearing will be made.

On approval of application the Headteacher/Chair of Governance and the employee will agree a termination date which is normally the date of the application being approved. Where an application for ill health retirement has been disallowed the employee’s case will be referred to a Health-Related Absence hearing.

Support Staff

Ill health retirement is defined as the early termination of an individual’s employment as a result of ill health, giving that individual access to pension benefits before the normal retirement age. Ill health retirement can only occur when all other options have been exhausted and the following criteria have been met:

- The employee is currently a member of the Greater Manchester Pension Fund and has been for at least 2 years.
- The Occupational Health Physician has recommended ill health retirement, i.e. confirmed that the employee is permanently incapable of carrying out the duties for which they are employed, and is unable to work (more likely than not, before at the earliest, the employee’s normal pension age) with adjustments to the role (if these can be made) and as a result of the permanent incapacity is not immediately capable of

undertaking any gainful employment (paid employment for not less than 30 hours in each week for a period of not less than 12 months)

There are 3 tiers for Ill Health Retirement:

Tier 1 – the employee is unlikely to be capable of undertaking gainful employment before normal pension age (NPA) – providing unreduced pension benefits plus an enhancement to normal pension age.

Tier 2 – the employee is unlikely to be capable of undertaking any gainful employment within three years of leaving the employment; but likely to be able to undertake gainful employment before reaching NPA – providing unreduced pension benefits plus a quarter of the Tier 1 enhancement

Tier 3 – the employee is likely to be capable of undertaking gainful employment within three years of leaving the employment, or before NPA if earlier – providing unreduced pension benefits without any enhancement, paid for a maximum of 3 years, and can be stopped earlier if the employee starts gainful employment or is determined to be fit for gainful employment at the 18 month review undertaken by the employer.

Where ill health retirement is granted, this is effectively by dismissal with a compensation payment equivalent to their period of notice in accordance with the individual's contract of employment plus any outstanding holiday pay. The employee has a right of appeal against this decision and will be informed of this process in the letter of termination. The decision of the council in respect of the individual's employment situation may in some cases be required prior to confirmation of the access to pension benefits on grounds of ill health.

The employee also has a right of appeal under the LGPS Regulations regarding the employer's decision on the pension entitlement, whether it be that ill health retirement criteria is not met, or against the Ill Health Retirement Tier that has been determined.

8. MEDICAL SUSPENSION

Occasionally it is necessary to suspend a member of staff who works with children or young person because the health, education or welfare of pupils will be put at risk by the teacher's/support staff's condition.

The purpose of considering suspension of an employee on medical grounds is to ensure that the Council/School as the employer exercises its duty of care to the employee under the Health & Safety at Work Act 1974 and its Regulations and Approved Codes of Practice.

Roles and Responsibilities

Headteachers, with advice from Trust HR, will be responsible for determining whether an employee should be suspended on medical grounds having sought the opinion of the Occupational Health provider. However, there may be an exceptional circumstance where a suspension is required prior to an opinion from Occupational Health. Headteachers will be responsible for ongoing contact with their employee during the period of the medical suspension.

Conditions which present a particular risk are pulmonary tuberculosis or other infectious diseases, epilepsy and psychiatric disorder (including alcohol and drug misuse) and as

required by the Education (Teachers) Regulations 1993 and DFE Circular 13/93 and infectious/notifiable diseases (See Appendix D).

A teacher/worker with children **must** be suspended:-

1. pulmonary tuberculosis

immediately if they have active pulmonary tuberculosis and should not be permitted to return to duty until the Occupational Physician confirms they are fit;

2. epilepsy

(i) from teaching PE (not from general teaching) if they have an epileptic attack;

OR

(ii) pending investigations or until treatment is established, if advised to do so by the Occupational Physician;

Advice should be sought from the Occupational Health Service in other cases of epilepsy where seizures are severe or recurrent;

3. psychiatric disorder if advised to do so by Occupational Health whilst investigations are proceeding and treatment is being established.

A member of staff must not resume working, if absent for a continuous period of more than 3 months arising from a psychiatric disorder (including alcohol and drug misuse) until declared fit to teach by the Occupational Health Service.

Other instances when suspension of an employee on medical grounds might be appropriate would include:

- When the job could be prejudicial to the health of the employee
- When the job could have some other adverse effect upon the employee
- When the mental health condition of the employee is an impairment to undertaking their duties
- When a Headteacher considers that an employee may not be fully recovered from a previous medical condition

When an employee's health could have an adverse effect upon other employees and/or members of the public.

Procedures

Prior to any suspension, a risk assessment would need to be undertaken to identify the hazards and risks to the employee. It is anticipated that headteachers/HR will identify any adjustments to the role or any alternative employment that the employee could undertake prior to determining that the individual should be suspended on medical grounds. This information should be recorded and provided to Occupational Health in order that they can make an informed judgement based on school's concerns, employee's role and responsibilities.

Prior to considering suspension, the employee should be encouraged to seek medical guidance from their own GP.

If it is determined that an employee should be suspended on medical grounds they will be given written notification of this decision and any conditions attached.

During any period of suspension on medical grounds, the employee will receive full salary.

It would be appropriate to ensure that the Occupational Health Service undertakes regular medical reviews when an individual is suspended on medical grounds. It will also be appropriate for the headteacher to undertake regular reviews, this will depend on individual circumstances and may be via telephone contact following referral, home visits or meetings.

HR must provide contact details for the period of suspension and be available for meetings/reviews as required. Failure to do so may result in the suspension of Occupational Sick Pay.

Medical suspension can only be lifted following advice from the Occupational Health Service.

Action to be taken by Trusts HR Service

- specialist advice will be sought from the Occupational Health Service on any matters of concern and queries raised by the headteacher;
- relevant cases will be referred to the Department for Education, as required by regulations;
- we will endeavour to contact the relevant Teachers' Association Secretary/Union official before any action is taken to suspend a teacher/worker with children;
- suspension letters will be prepared/sent, as required, on behalf of the school.

Suspension on medical grounds is always upsetting for the person concerned and is often a difficult task for the headteacher to carry out. Support from HR and the Teachers' Associations/Trade Unions can help in the handling the matter sensitively and sympathetically.

The Trust, as the employer of the staff, may suspend a teacher/worker with children if deemed necessary and where the headteacher has failed to do so.

The Secretary of State may also direct that a teacher/worker with children is suspended from duty under Regulation 10 of the Education (Teachers) Regulation 1993.

9. OCCUPATIONAL HEALTH SERVICE

The role of the Occupational Health service in the management of attendance is to provide the headteacher with advice and additional information should this be required to support and facilitate an early and safe return to the workplace. The discretion as to whether a referral to Occupational Health is appropriate will be for the headteacher to consider depending on the individual case. The Trust not able to self-refer to Occupational Health. Examples of when referrals to Occupational Health are considered to be appropriate:

- To provide a management report to seek additional information in order to support the employee/facilitate a return to work
- Equality Act 2010 – if specific guidance is required on the consideration of reasonable adjustments within the workplace by management
- Immunisation
- Accidental Contamination/inoculation

- To assess suitability if alternative work is to be considered
- To assess whether the criteria for retirement on the grounds of ill health are met
- Guidance from Occupational Health prior to Health-Related Absence Hearing if required

Immunisation

The Occupational Health Service provides a programme of immunisation for those staff who are deemed to be at greater risk of contracting Hepatitis B and who have been identified as such through a pre-employment assessment.

Accidental Contamination/inoculation

When working with children staff are potentially at risk from accidental contamination/inoculation. Although these events are very rare headteachers need to be aware of the procedure to follow in such cases.

If an incident does occur, then the member of staff should immediately be referred to either Accident & Emergency. An initial assessment will be conducted and immediate treatment given, if required. If any follow up treatment is necessary, then this treatment could be provided through either the member of staff's General Practitioner or the Occupational Health Service.

Counselling/Cognitive Behaviour Therapy (CBT)

The Occupational Health Service provides a confidential counselling/CBT service to schools and their staff. Counselling sessions should be arranged via the headteacher who will complete a referral and forward this to Trusts HR service.

Staff are unable to make a self-referral as there is a cost for each session (maximum of six sessions).

Sickness absence and holiday closure

When a member of staff is ill immediately preceding a closure of the school, and has exhausted their sick pay allowance, or is on less than full pay, and recovers during the period of closure, such a member of staff shall be deemed, for the purpose of calculating the amount of salary due, to have returned to duty on the day they are authorised medically fit to do so by means of a fit note obtained for that purpose, provided that they actually return to school on the first day after the period of closure.

If during the closure of the school, a member of staff becomes eligible to claim statutory sickness and/or other benefits because of illness, injury, maternity or contact with an infectious disease then it shall be their duty to notify the Trust so that the appropriate deductions can be made.

Termination of employment during a period of sick leave - Teachers

In the event of a teacher exhausting in part or full their entitlements and being given notice of the termination of their contract without returning to work on the grounds of permanent incapacity or for some other reason related to the sickness absence, they shall be paid full salary for the notice period with normal deductions only.

10. PREGNANCY RELATED ABSENCE

Any less favourable treatment of a woman because her sickness absence is pregnancy related will be discriminatory. All headteachers should ensure that an employee who falls sick while pregnant is treated fairly, with respect and in line with her normal contractual rights.

If the employee is absent and the absence is related to the pregnancy the return to work interview will not qualify as a stage 1 meeting, and a support meeting will take place to ensure that support and adjustments can be discussed and made to support the employee.

In addition, the headteacher can hold support meetings with the employee throughout the pregnancy to consider what reasonable adjustments can be put in place to support the employee in work.

For the purposes of monitoring level of attendance and the approved triggers as outlined within this policy, those absences related to the pregnancy are to be discounted by the Headteacher and will not constitute a trigger as defined within the policy. All other sickness absences will continue to be monitored in accordance with this policy.

If the employee is absent from work wholly or partly on account of a pregnancy-related condition at any time during the four weeks immediately before the expected date of confinement, the start of ordinary maternity leave will be triggered automatically.

11 STRESS RELATED ABSENCE

Stress is defined as:-

The adverse reaction people have to excessive pressures or other types of demand placed on them. Stress is not an illness, it is a state. However, if stress becomes too excessive and prolonged, mental and physical illness may develop.

It is important that contact between employee and the headteacher is maintained during any period of absence but particularly for those absences related to stress in order to ensure that the employee is made aware of the support available and the measures which should be discussed to support the return to work.

Best practice shows that regular contact, including meeting with the employee, should take place at the earliest opportunity to look at ways to work together to support the employee and facilitate the return to work.

If the employee fails to maintain contact and attend meetings as required, this could result in deduction of Occupational sick pay and/or disciplinary action.

Dear

EMPLOYEE WELFARE SUPPORT MEETING: SICKNESS ABSENCE

Thank you for sending me your medical certificate dated [insert date]. I am sorry to hear that you are unwell/remain unwell [delete as appropriate] for at least another [insert length of time] weeks/months [delete as appropriate].

In accordance with my responsibilities under the trust's policy for Health-Related Absence I would like to arrange to meet with you to see how you are, to talk about your current health situation and how we may be able to support you once you are fit to return to work.

The meeting will take place at school at [time] on [date]. If you would prefer the meeting took place at one of our partner sites, please let me know.

You may, if you wish, be accompanied by a work colleague or Trade Union Representative, but no one else.

Please do not be anxious about this meeting. If you have any concerns, please do not hesitate to contact me on [insert telephone number] or alternatively you may wish to contact your Trade Union Representative prior to the meeting for advice & support.

Yours sincerely

Headteacher/Line Manager

[Insert school name] School

Model Letter/Proforma 2
Stage 1

TO BE COMPLETED ON EVERY OCCASION OF HEALTH-RELATED ABSENCE
RETURN TO WORK INTERVIEW

Name of Employee:	Date of interview:
First day of absence:	Date fit to return to work:

Reason for sickness absence:	
Does the employee now feel fit and well for work? (Record comments including any adjustments considered i.e. adjusted hours/duties)	Yes/No
Is there an underlying or recurrent medical condition? If yes detail condition and does this absence relate to underlying medical condition?	Yes/No
Is absence pregnancy related? (Has risk assessment been undertaken) Pregnancy related illnesses do not count towards sickness absence triggers	Yes/No
Is absence related to a disability as defined by the Equalities Act 2010?	Yes/No
Does the employee perceive that the absence may be work related? If yes, detail actions and consider undertaking stress risk assessment)	Yes/No
Is there anything else that may impact on employee's ability to attend work on a regular basis? If yes, any actions:	Yes/No
Update employee on any work-related issues during the absence	

MANAGEMENT USE ONLY

Check if this absence is within one of the school's triggers below:

- 3 absences over a rolling 12-month period
- Bradford Factor score over 350 in a 12-month rolling period (to calculate – number of occasions x number of occasions x total number of days)
- Cause for concern over levels and patterns of absence
- Return from long term sickness absence (over 20 calendar days)

If yes:

- Advise employee that you will be issuing a letter to invite them to a Health-Related Absence Interview (Stage 1) and set date for interview, usually within 2 weeks of return to work interview

Detail any action required:

Retain on employees personal file.

Dear

HEALTH RELATED ABSENCE INTERVIEW – STAGE 1

I am writing to inform you that you are required to attend a Health-Related Absence Interview on [date] at [time] which will be held at [place].

The reason for the interview is that you have hit the following trigger in accordance with the Schools Health Related Absence Policy:

Delete as appropriate

- 3 absences over a rolling 12-month period
- Bradford Factor score over 350 in a 12-month rolling period (to calculate – number of occasions x number of occasions x total number of days)
- Cause for concern over levels and patterns of absence
- Return from long term sickness absence (over 20 calendar days)

The purpose of this interview will be to consider your attendance record and to look at any ways in which this may be improved.

I would remind you that you can, if you wish, make the necessary arrangements to be accompanied by either a work place colleague or trade union representative but no one else. It is your responsibility to ensure your nominated representative is available on the above date and time.

Yours sincerely

Headteacher/Appropriate Responsible Officer

HEALTH RELATED ABSENCE INTERVIEW (STAGE 1)

Employee to be invited by letter (see Appendix 2)

Name of Employee:	Date of interview:
Name of Headteacher or Appropriate Responsible Person:	Name of Trade Union rep/work colleague accompanying the employee:
Employee to be informed which of the triggers have been met:	
<ul style="list-style-type: none"> • 3 absences over a rolling 12-month period • Bradford Factor score over 350 in a 12-month rolling period (to calculate – number of occasions x number of occasions x total number of days) • Cause for concern over levels and patterns of absence • Return from long term sickness absence (over 20 calendar days) 	Yes/No Yes/No Yes/No Yes/No
Refer to notes of return to work interview and ask employee if any new information or anything to add.	
Are there any reasonable adjustments which the school could consider which would support and improve the attendance of the employee?	Yes/No
If so record outcome of discussion.	
Discuss with the employee how they think their attendance at work might be improved and what support the school could consider to assist them in improving their attendance.	
Record outcome of discussion.	
Is advice required from Occupational Health – if so, specify reason for referral	Yes/No

Explore the current level of absence with the employee. Explain the impact the employee's level of health-related absence has on the team and on service delivery. Advise how continued absence could ultimately lead to consideration of termination of contract at a Health-Related Absence Hearing.

SLT options:

- Headteacher or appropriate responsible person is satisfied with the outcome of discussion and no further action required at this stage continue to monitor during return to work interview process – issue outcome letter (Stage 1)
- Headteacher or appropriate responsible person is concerned with level of attendance and sets a monitoring period (timescale proportionate to factors considered) with regular review meetings (Stage 1) – set date for 1st review meeting
- Headteacher or appropriate responsible person is concerned with level of attendance and sustained improvement is required, escalate to Stage 2 and issue Notice to Improve letter to remain on file for timescale specified by Headteacher or appropriate responsible person. If this meeting has been arranged to discuss health related absence within 1 year of expiry of a Notice to Improve letter, escalate to Stage 2 (a Notice to Improve letter)

Headteacher or appropriate responsible person to record action taken, attach copy of outcome letter and retain on personal file for employee.

OUTCOME OF HEALTH-RELATED ABSENCE INTERVIEW (STAGE 1) – NO FURTHER ACTION

I am writing to confirm the outcome of your Health-Related Absence Interview held on [date] where your level of health-related absence was discussed.

Model Letter/Proforma Stage One The interview had been arranged because you had hit the following trigger in accordance with the trusts Health Related Absence Policy:

Delete as appropriate

- 3 absences over a rolling 12-month period
- Bradford Factor score over 350 in a 12-month rolling period (to calculate – number of occasions x number of occasions x total number of days)
- Cause for concern over levels and patterns of absence
- Return from long term sickness absence (over 20 calendar days)

The purpose of the interview was to consider your attendance record and to look at ways in which this could be improved. You were informed of the impact health related absence has on the team and on service delivery.

I am writing to confirm that following the discussions held, no further action will be taken at present, and any further health related absence will continue to be monitored under the schools Health Related Absence procedure via the return to work interview process.

Yours sincerely

Headteacher/Appropriate Responsible Person

Dear

OUTCOME OF HEALTH-RELATED ABSENCE INTERVIEW (STAGE 1) – SETTING OF MONITORING PERIOD

I am writing to confirm the outcome of your Health-Related Absence Interview held on [date] where your level of health-related absence was discussed.

The interview had been arranged because you had hit the following trigger in accordance with the schools Health Related Absence Policy:

Delete as appropriate

- 3 absences over a rolling 12-month period
- Bradford Factor score over 350 in a 12-month rolling period (to calculate – number of occasions x number of occasions x total number of days)
- Cause for concern over levels and patterns of absence
- Return from long term sickness absence (over 20 Calendar days)

The purpose of the interview was to consider your attendance record and to look at ways in which this could be improved.

I explained to you the importance of your attendance at work and that your record was considered to be unsatisfactory and a cause for concern.

At the interview you stated that [add comments].

I informed you that a significant and sustained improvement in your attendance level was required and I will be monitoring your attendance over the next [Number] months. I will be arranging review meetings to try and support you in improving your attendance and the first review meeting will be held on [date].

If your level of attendance does not improve at any time during the monitoring period, then I may decide it appropriate, following a review meeting, to escalate to Stage 2 and issue you a Notice to Improve letter.

You should be aware that this could lead to the school considering further action against you, in accordance with the schools Health Related Absence Policy, which could put your employment at risk at a Health-Related Absence Hearing (Stage 3).

Yours sincerely

Headteacher/Appropriate Responsible Person

Dear

HEALTH RELATED ABSENCE REVIEW MEETING – STAGE 1

Further to the Health-Related Absence Interview you attended on [date] I am writing to inform you that you are required to attend a review meeting on [date] at [time] and place].

The purpose of the review meeting is to consider your attendance during the monitoring period set and it will be held in accordance with the schools Health Related Absence Policy.

I would remind you that you can, if you wish, make the necessary arrangements to be accompanied by either a work colleague or trade union representative but no one else. It is your responsibility to ensure your nominated representative is available on the above date and time.

Yours sincerely

Headteacher/Appropriate Responsible Person

Model Letter/Proforma 8

HEALTH RELATED ABSENCE REVIEW MEETING

Employee to be invited by letter – See Appendix 7

Name of Employee:	Date of interview:	
Name of Headteacher/Appropriate Responsible Person: Name of Trade Union representative /work colleague accompanying the employee:	Date of Health-Related Absence Interview or last Review Meeting:	
Record any further periods of absence and reasons since Health-Related Absence Interview/Review Meeting.		
Refer to notes of previous interview/review meeting and ask employee if any new information to be taken into consideration or anything to add		
Are there any further adjustments the employee would like management to consider?	Yes/No	
If so record outcome of discussion:		
Discuss with the employee how they think their attendance at work might be improved or whether they think the service can do anything to assist them in improving their attendance and record outcome discussion.		
If so record outcome discussion:		
Is advice required from Occupational Health	Yes/No	

Explain the current level of absence. Explain the impact the employee's level of health-related absence has on service delivery. Advise how continued absence could ultimately lead to consideration a range of sanctions, including termination of contract at a Health-Related Absence Hearing (Stage 3).

Headteacher/Appropriate Responsible Persons options

- The Headteacher/Appropriate Responsible Person to continue to hold review meetings during monitoring period - set date for next review meeting and issue outcome letter (Stage 1)
- The Headteacher/Appropriate Responsible Person satisfied at end of monitoring period that sustained improvement has been made (Issue outcome letter)
- The Headteacher/Appropriate Responsible Person concerned that there has been no sustained improvement as required and escalate to Stage 2 and issue Notice to Improve letter to remain on file for timescale specified by the Headteacher/Appropriate responsible Person but for no longer than one year (issue letter at Appendix 10)

The Headteacher/Appropriate responsible Person to record action taken, rationale and attach copy of outcome letter. Retain on the employees personal file

Dear

**OUTCOME OF HEALTH-RELATED ABSENCE REVIEW MEETING (STAGE 1) –
MONITORING PERIOD**

I am writing to confirm the outcome of your sickness absence review meeting held on [date] where your level of health-related absence was discussed. As you are aware I am monitoring your attendance until [date].

The purpose of the meeting was to consider your attendance record and to look at ways in which this could be improved. I explained to you the importance of your attendance at work and that your record was considered to be unsatisfactory and a cause for concern.

I informed you that a significant and sustained improvement in your attendance level was required [and I am pleased to note an improvement since our last meeting]. I will continue to arrange review meetings during your monitoring period and the next meeting will be held on [date].

If your level of attendance does not improve at any time during the monitoring period, then I may decide it appropriate, following a review meeting, to escalate to Stage 2 and issue you a Notice to Improve letter.

You should be aware that this could lead to the school considering further action against you, in accordance with the trusts Health Related Absence Policy, which could put your employment at risk at a Health-Related Absence Hearing (Stage 3).

Yours sincerely

The Headteacher/Appropriate Responsible Person

Dear

OUTCOME OF HEALTH-RELATED ABSENCE MONITORING PERIOD (STAGE 1) – NO FURTHER ACTION

I am writing to confirm the outcome of your Health-Related Absence review meeting held on [date] where your attendance was discussed in accordance with the Health-Related Absence Policy.

The review meeting had been arranged to discuss your level of absence during the [number of months] monitoring period set.

I am writing to confirm that the monitoring period has now ended following the improvement in your attendance. I am satisfied that no further action will be taken at present. Any further health related absence will continue to be monitored via the return to work interview process.

Yours sincerely

The Headteacher/Appropriate Responsible Person

HAND DELIVERY

NOTICE TO IMPROVE LETTER (STAGE 2)

Dear

You attended a Health-Related Absence [Interview/Review] meeting on [date] where you were advised that your attendance levels were a cause for concern. Your attendance levels have a significant impact on the service we provide to our children and following previous meetings to discuss your absence levels there has been no significant improvement.

I outlined my concerns and that I informed you that I am escalating your case to Stage 2 of the schools Health Related Absence Policy and issuing you this Notice to Improve letter.

I will set a monitoring period of [number] months for your Notice to Improve during which time I require an immediate and sustained improvement of your attendance level. I will continue to monitor any absences during the return to work interview process and a Health-Related Absence Interview will be held at the end of the monitoring period to consider whether the required improvement has been made. The monitoring period will end at that time or I will consider if it is necessary to escalate to Stage 3 (Health Related Absence Hearing).

You should be aware that the outcome of the Health-Related Absence Hearing (Stage 3) includes a range of sanctions, up to and including dismissal.

If it would be helpful to discuss any issues affecting your attendance with me, please do not hesitate to do so.

Yours sincerely

The Headteacher/Appropriate Responsible Person

Dear

HEALTH RELATED ABSENCE INTERVIEW – END OF STAGE 2 MONITORING PERIOD

I am writing to inform you that you are required to attend a Health-Related Absence Interview on [date] at [time and place].

The reason for the interview is to discuss your level of attendance during the monitoring period set under the Notice to Improve letter which has now ended.

You should be aware that the outcome of this meeting could escalate to Stage 3 referral of your case to a Health-Related Absence Hearing where a range of sanctions could be considered including the termination of your employment with the school.

I would remind you that you can, if you wish, make the necessary arrangements to be accompanied by either a work place colleague or trade union representative but no one else. It is your responsibility to ensure your nominated representative is available on the above date and time.

Yours sincerely

The Headteacher/Appropriate Responsible Person

Dear

**OUTCOME OF HEALTH-RELATED ABSENCE NOTICE TO IMPROVE PERIOD (STAGE 2)
– NO FURTHER ACTION**

I am writing to confirm the outcome of your Health-Related Absence Interview held on [date] where your level of health-related absence during your Notice to Improve period was discussed.

I am now writing to confirm that the monitoring period has now ended and following the sustained improvement in your attendance, no further action will be taken at this stage.

However, you need to be aware that if there are further health related absences in the next 12-month period I may refer your case immediately back to Stage 2 of the schools Health Related Absence procedure and issue you a further Notice to Improve letter.

Yours sincerely

The Headteacher/Appropriate Responsible Person

Dear

HEALTH RELATED ABSENCE MEETING – STAGE 4

Further to your current absence from work (and following your appointment at Occupational Health) I would like to arrange an absence meeting to consider any support that I am able to offer you which may lead to facilitating a return to work.

I have arranged the meeting on [date, time, and place]

This meeting will be held in accordance with the trusts Health Related Absence Policy.

I would remind you that you can, if you wish, make the necessary arrangements to be accompanied by either a work colleague or trade union representative. It is your responsibility to ensure your nominated representative is available on the above date and time.

Yours sincerely

The Headteacher/Appropriate Responsible Person

HEALTH RELATED ABSENCE MEETING (STAGE 4)

Employee to be invited by letter (See Appendix 14)

Name of Employee:	Date of meeting:
Name of The Headteacher/Appropriate Responsible Person	Name of Trade Union representative/work colleague accompanying the employee:
First date of absence:	
Dates of any previous absence meetings:	
Reason for absence:	
Identify progress, support and treatment/specialist help being received and any medical advice received from GP or Occupational health:	
Consideration of temporary adjustments to support a flexible return to work:	
Establish if a timescale for a return to work can be given:	
Any addition information:	
Is advice required from Occupational Health – if so, specify reason for referral	Yes/No
Explain the impact the employee’s level of health-related absence has on the children. Advise how continued absence could ultimately lead to consideration of termination of contract at a Health-Related Absence Hearing.	

The Headteacher/Appropriate Responsible Person options:

- The Headteacher/Appropriate Responsible Person satisfied with the outcome of discussion and no further action required at this stage continue to monitor during 4 weekly absence meetings – confirm date of next meeting
- The Headteacher/Appropriate Responsible Person concerned with level of absence demonstrated at Stages 1 and 2 or through long term absence
- The Headteacher/Appropriate Responsible Person to refer to a Health-Related Absence Hearing

The Headteacher/Appropriate responsible Person to record action taken and retain on employees personal file.

HEALTH RELATED ABSENCE HEARING/APPEAL (Delete as appropriate)

At our recent Health Related Absence meeting (Stage 3), held on [date] we discussed the implications of your continuing absence from work.

As you know, advice has been sought from the schools Occupational Health Service and the report will aid the Headteacher/Committee of the Governing Body in their decision making at a health-related absence hearing.

Your case has been referred due to the following reason(s):

Delete as appropriate

- An employee's level of health-related absences mean that they are not rendering regular and effective service and therefore the employee is not fulfilling their contractual obligations
- The Occupational Health Physician states that the employee is not fit to return to work or undertake alternative work for the foreseeable future or the timescale for return is not acceptable to the Headteacher
- The Occupational Health Physician states that the employee is not fit to return to their own work and where the employee is unable to find alternative work within the Trust
- Where the continued absence from work is considered to be unreasonable.
- Where an employee's absence levels have failed to adequately improve during earlier stages of this procedure.

Your case will be considered by the Headteacher/ a Committee of the Governing Body on [date] at [time] am/pm at [venue]

You are entitled, if you wish, to be accompanied by a work colleague or your Teachers' Association/Trade Union representative but no one else.

Please sign the enclosed duplicate copy of this letter, stating whether or not you intend to attend in person, to be represented by someone else, or to submit your views in writing.

Non-attendance will not affect your right of appeal against any decision made by the Headteacher/Committee.

Yours sincerely,

Headteacher/Responsible Person

NAME: _____

SCHOOL: _____

I acknowledge receipt of an exact copy of this letter. My intentions are as follows:-

1. I do/do not wish to attend the Health-Related Absence Hearing on [date]
2. I do/do not wish to send a work colleague/Teachers' Association/Trade Union representative to attend the hearing in my place.
3. I will/will not accept the Headteacher's/Responsible Person's recommendation that I should no longer work at the school on the grounds of medical incapacity, without prejudice to the outcome of any Health-Related Absence Hearing.

I reserve the right to change my mind, and to exercise my right of appeal against the decision within ten calendar days of the notification of the decision taken at the hearing.

Signature: _____

Date: _____

HEALTH RELATED ABSENCE HEARING

Further to the Health-Related Absence Hearing which took place on [date]. Having considered all of the evidence presented inclusive of an up to date Occupational Health report, it is with regret that I have to inform you that I/the committee has decided to terminate your employment on grounds of medical incapacity with effect from [date].

I also confirm the decision that the Trust is unable to grant ill-health retirement at this time, and that this decision is made on the grounds that, in the light of the available medical advice, that you are not considered to be permanently incapable of discharging efficiently the duties of your normal occupation or any comparable employment by reason of ill health or infirmity of mind or body.

Teachers

The teachers' pensions regulations are administered by Teachers' Pensions on behalf of the Department for Education (DfE). If you disagree with a decision made by Teachers'

Pensions about how the regulations apply to you, or you wish to complain about how your case has been handled, you should write to: Customer Services Manager

Teachers' Pensions
Mowden Hall
Darlington, DL3 9EE

If you are dissatisfied with the reply from Teachers' Pensions, you may appeal to the DfE. You should write to:-

Pensions and Medical Fitness
Department for Education and Skills
Mowden Hall
Darlington, DL3 9BG

An appeal should be made within six months of receiving your reply to your first letter of complaint or dispute. Included in this appeal, you must provide your full name and address, your teacher's reference number, your date of birth and your National Insurance number. If you chose to ask a representative to write in on your behalf, these details must still be provided.

Support Staff If you are not satisfied with the Trust's decision made with regard to your pension benefits you will be provided with appeal information from the Trusts Financial Manager. If this appeal is not successful you have the right to appeal against the decision made in respect of your pension benefits to the Secretary of State.

Should you become permanently unfit for employment, you may apply to the Superannuation Authority for early release of your preserved pension benefits on the grounds of ill-health i.e. earned pension rights without enhancement.

You are entitled to your contractual or statutory notice (whichever is the greater) and to any accrued holidays, if applicable and this will be calculated from the date of the committee hearing.

You will receive [number of weeks] - weeks compensation payment.

You are entitled to appeal against this decision and if you wish to do so, you should notify the Clerk to Governors, [insert name and address] within five working days of receipt of this letter. Please include the name and address of any person(s) who will be representing you at an appeal hearing.

May I take this opportunity of thanking you for your service to the school and to wish you well for the future.

Please acknowledge receipt of this letter by signing and returning the attached copy.

Yours sincerely

Chair of Governors

_____ school

I acknowledge receipt of an exact copy of this letter.

Signature _____ **Date:** _____

HEALTH RELATED ABSENCE APPEAL HEARING

I write to inform you that the Appeals Committee held on [date] has (1) upheld/(2) disallowed your appeal against the decision of the Headteacher/ Committee of the Governing Body to dismiss you from your post at the school on grounds of medical incapacity.

(If appeal disallowed)

May I take this opportunity of thanking you for your service at the school and the Committee wish you well for the future/and to express our hope that your health will improve/and to wish you good luck in obtaining alternative employment in the near future/etc.

Please acknowledge receipt of this letter by signing and returning the attached copy.

The decision of the Committee is final.

Yours sincerely

Chair of Appeals Committee

_____ school

I acknowledge receipt of an exact copy of this letter.

Signature _____ **Date:** _____