2026-2028

Our Community Multi Academy Trust
CEO – David Whitehead

Managing Absence and ill Health Policy

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Part A – Policy

1. Policy Statement

Our Community Multi Academy Trust is committed to encouraging a positive approach to attendance and this policy sets out OCMAT's approach to managing staff absence and ill health.

The aims of this policy are to:

- provide a framework to support employees who are unable to work due to illness and assist them back to work as quickly as possible
- support all parties in managing staff sickness and absence effectively and consistently, to ensure a fair and transparent approach across the Trust that complies with our duties under the Equality Act 2010
- secure the attendance of employees to minimise the cost and effects of sickness absence and to maximise operational efficiency in all areas
- reduce the impact on other work colleagues when covering for colleagues who are absent
- help create and maintain a happy and healthy working culture in which staff are encouraged to look after their physical and mental well-being.

It does not address absences for reasons other than personal sickness. Non sickness related absences are covered by other procedures.

2. Scope of the Policy

This Policy and Procedure applies to all Employees of Our Community Multi Academy Trust.

3. Adoption Arrangements and Date

This policy procedure was recommended by the Finance Audit Risk and Resources Committee (FARR) and approved by the Board of Directors on 15 July 2026 and supersedes any previous Absence and Ill Health Policy and Procedures.

This policy will be reviewed by FARR every two years or earlier if there is a need, with any recommended changes submitted to the Board of Directors for approval. This will involve consultation with the recognised unions for material changes only.

4. Roles and Responsibilities

Line managers/School Leadership and Trust Leadership have day-to-day responsibility for this policy. If staff have any questions about this policy, they should refer to their line manager/School/Trust Leadership in the first instance.

The Trusts' central HR team will provide support in analysing attendance data and advice on the policy and procedures to line managers/Headteachers.

School Leadership consists of the following roles; Head of School, Headteacher, Executive Headteacher. Trust Leadership consists of the following roles; CEO, SEO, IEO, CFO.

1.1 Line Managers/School Leaders

The Headteacher/Executive Headteacher/relevant Central Team Manager is responsible for making sure that:

- This sickness and absence policy is applied consistently across the school/area of work and that it is in line with equality legislation
- All staff are aware of this policy and their responsibilities
- Supporting staff and managing ill-health matters confidentially and sensitively, and in line with the Data Protection Act 2018
- Promoting positive working arrangements, including monitoring workload and maintaining effective communication with staff

- Monitoring staff absence and following the procedures on managing staff absence if 'trigger points' are generated (see sections 8 and 17)
- Liaising with pay
- roll promptly if a staff member's pay needs to be adjusted as a result of their absence
- Giving due regard to equality legislation and taking any disability requirements into consideration
- Seeking advice from central HR team

1.2 Employees

Employees are expected to:

- Follow the procedures set out in this policy
- Adhere to the stated timescales when responding or appealing the Trust' requests or decision

5. Delegated Responsibility

The management of ill health issues may be delegated to any member of the Shoo Leadership Team (SLT) or Trust Leadership Team (TLT) as outlined in the scheme of delegation.

5.1 Informal Action

Informal action will be delegated to line managers.

5.2 Formal Action

Formal hearings to consider matters excluding dismissal may be delegated to a line manager or a member of the Trust or School Leadership Team.

Where matters are heard by a line manager, appeals against any sanction imposed will be heard by either the Headteacher or Exeuctive Headteacher or relevant central team manager depending on their line management responsibilities. Where an Executive Headteacher, Headteacher or relevant central team manager has considered the matter, appeals will be heard by the IEO, SEO, CEO or a panel made up of Directors and/or local governors.

Staff governors will not be a member of this panel.

5.3 Dismissal Decisions

In this Trust responsibility for dismissal decisions has been delegated to the Headteacher, Exeuctive Headteacher, IEO, SEO or CEO who can chair the meeting alone supported by an appropriate representative from HR.

Staff governors will not be a member of this panel.

5.4 Appeals

A panel of no more than 3 Directors and/or local governors may be convened to hear the appeal in situations where it is not appropriate for the CEO to perform this function.

Appeals heard by a panel of no more than 3 Directors and/or local governors; none of whom should have had any prior involvement in the matter under consideration or be a member of the LMC for the school for which the appeal is being heard.

Staff governors will not be a member of an appeals panel.

The following table sets out the provisions which would normally apply.

Informal Action taken by	Formal hearing heard by	Appeal heard by
Line Manager	Another more senior manager, Head of School, Headteacher, Exeuctive	CEO or panel of no more than 3 Directors and/or local governors

	Headteacher or member of the Trust Leadership Team for matters short of dismissal Headteacher, Exeuctive Headteacher or relevant central team manager where dismissal is a possible outcome	
Headteacher or relevant central team manager	IEO, SEO or CEO	Panel of no more than 3 Directors and/or local governors
CEO	A panel of no more than 3 Directors and/or local governors	Trust Chair

5.5 Headteacher, Head of School or Executiv Headteacher

Informal Action taken by	Formal hearing heard by	Appeal heard by
CEO or Exeuctive Headteacher	LMC Chair or CEO	A panel of no more than 3 Directors and/or local governors

5.6 Trust Executive Team

Informal Action taken by	Formal hearing heard by	Appeal heard by
CEO	A panel of no more than 3 Directors and/or local governors	Trust Chair

5.7 CEO

Informal Action taken by	Formal hearing heard by	Appeal heard by
Trust Vice Chair	A panel of no more than 3 Directors and/or local governors	Trust Chair

6. Recurring Periods of Absence

The Trust may resume the sickness absence management process for any subsequent absence at the point it was halted. Where a matter has been addressed informally previously, the Trust may move immediately to the formal stage of the procedure where there is a reoccurrence of the concerns.

7. Right to Representation

An Employee is entitled to be accompanied to a formal hearing or appeal by either a workplace colleague or Trade Union Representative.

A workplace colleague or Trade Union representative is also able to attend formal meetings held under this procedure, including formal absent review meetings.

The right of workplace colleague or trade union representative at informal meetings does not make the meeting formal.

8. Absence Monitoring

All absence will be monitored, and appropriate action discussed with the employee concerned. This will include any periods of sickness absence for reasons that are not similar in nature. The Trust will determine the number of absences in a specified rolling period that will trigger a review meeting between the Line Manager and the employee concerned. A Headteacher may set a trigger point that is specific to the employee that is different to the Trust level provided that the employee has been consulted and it can be shown that the trigger point used is reasonable given the circumstances.

Part B - Procedure

9. Notification of Absence

School based Employees should report sickness absence to their School Leadership Team by telephone by 7.30am for staff required at the start of the school day and no later than 1 hours' notice for other staff who have a later start time. Each school will have a specific number to contact, and this must be widely communicated. Contact should be made by the Employee in person unless incapacitated from calling, in which case a close relative should call. ***Notification via text or email is not acceptable.*** Central based employees should report sickness absence to their central line manager, or in the case of the CEO to Trust HR , by 8.30am.

Employees should state:

- The specific reason for their absence or nature of their illness
- The estimated period of absence.

If the Employee does not contact their School Leadership Team or relevant central team manager by the required time the Trust may contact the Employee by telephone.

Repeated failure to follow these notification requirements may be addressed in accordance with the Trust's Disciplinary Procedure.

10. Absences up to and including 7 calendar days.

Employees will be required to complete and submit a self-certification form on return to work for all periods of sickness absence not exceeding seven days, inclusive of rest days, public holidays and Trust closure periods.

Where an employee attends work but later goes home sick during the day – pay will not be deducted and this will not be regarded as a sick day for contractual sick pay purposes. However, such absences will be recorded and may be considered for absence monitoring purposes.

11. Absences of more than 7 calendar days

A Statement of Fitness for Work 'fit note' is required if a period of absence lasts for eight days or more inclusive of rest days, public holidays and Trust closure periods.

The following conditions apply to the provision of 'fit notes':

- 'Fit notes' can be issued by nurses, occupational therapists, pharmacists and physiotherapists in addition to doctors. The Healthcare Professional must confirm their name and profession.
- 'Fit notes' must be received by the Headteacher or other designated person as soon as practically possible after the 8th calendar day of absence.
- 'Fit notes' will only be accepted for sick pay purposes from the dates specified and certified by the Healthcare Professional.
- Subsequent 'fit notes' must be submitted in a timely manner to cover absence if it extends beyond the period of the initial certificate, including Trust closure periods, weekends, bank holidays and non-working days.
- Where an Employee is admitted to a hospital or similar organisation for treatment, 'fit notes' need only be submitted on entry and on discharge.
- Exceptionally, the Trust may request an Employee to provide a 'fit note' for a period of sickness absence not exceeding seven days. In such cases the Trust will meet the cost of any 'fit note' being issued.

12. 'Fit Note' Provisions

Should a ‘fit note’ indicate that an Employee is ‘not fit for work’ they should remain on sick leave until the expiry of the note. There is not a requirement for the Employee to be signed ‘fit for work’ by a medical practitioner before returning.

Should the Employee feel fit to return to work prior to the expiry date of the note, the Trust will give this request due consideration and will seek the guidance of an occupational health practitioner to establish whether the Employee is fit to return to work early. The Trust reserves the right to ask that the Employee remains on sick leave until the expiry of the note should they feel it is not appropriate for the individual to return and provide the reason(s) why the Trust thinks their early return to work is not appropriate. If the Employee does not agree to remaining on sick leave, then the Trust may consider appropriate use of suspension on medical grounds.

Should a ‘fit note' indicate that an Employee ‘may be fit for work’ the Trust will discuss with the Employee ways of helping them get back to work. This may include agreeing a phased return to work, amended duties or work place adjustments for a temporary period. Guidance of an occupational health practitioner will be sought to identify how a safe and healthy return to work might be supported.

If it is not possible for the Trust to provide the support an Employee needs to return to work, or an Employee feels unable to return, then the statement will be used in the same way as if the GP advised that the Employee was ‘not fit for work’.

13. Contact during a period of absence

During any period of sickness absence, it is the responsibility of both the line manager and the employee to ensure that regular and appropriate communication takes place. This is to ensure that the employee is supported during their period of ill health and kept up to date with workplace developments. It is also important that the manager is kept informed of the employee's health situation to allow effective resource planning, to ensure that the right approach is adopted in the management of the employee's sickness absence and to ensure that any actions necessary to support the employee to return to work are discussed and considered.

Where an absence is for three calendar days or less it is expected that the Employee will contact the school/Trust each day, unless agreed otherwise.

Where an absence lasts more than three calendar days, the Employee must keep their Line manager updated with the situation at agreed intervals until a return date is known.

If the absence is likely to be longer term it is expected that the School or Trust Leadership and Employee will discuss how best to maintain contact at agreed intervals.

An Employee should notify the school of any alternative contact details should they reside away from their usual place of residence during a period of absence.

14. Referral to Occupational Health

Where health issues are impacting on an employee’s attendance or performance, the Trust will seek advice from an Occupational Health Adviser in order to inform management action or support.

It is the Trust’s policy to make a referral to an Occupational Health Adviser in circumstances that will assist the Trust to effectively support and manage an employee’s health including impact on performance, intended return to work from sickness absence and health/wellbeing at work or in circumstances where dismissal or retirement on health grounds may be an option to be considered. This will include:

- During a period of absence, a referral will usually be made no later than the 4th week of a period of continuous absence but may be made earlier, if appropriate to the circumstances.
- Following frequent or recurring short term absence which is giving rise to concern.
- Where an injury or illness has an impact on the Employee’s ability to undertake their job role
- Where an Employee has a degenerative condition or disability which is impacting on their ability to undertake their job role
- Where a new health condition is reported to the Trust
- When an application for ill health retirement is made

Employees have a responsibility to be proactive in raising their concerns about work-related causes of absence as part of the normal staff/manager relationship. It may be appropriate in such circumstances to make an immediate referral to an Occupational Health Adviser.

The advice of an Occupational Health Adviser will be sought:

- If an employee advises the Trust their health has changed
- To identify how an employee's health or medical condition impacts on their attendance or ability to undertake their job.
- To ascertain when or if an Employee will be fit to return to work in the foreseeable future.
- To provide guidance on what support or adjustments could be made to facilitate a return to work.
- To provide guidance on any adjustments to support a disabled Employee in the workplace.
- To provide guidance on the Employee's ability to participate fully in formal meetings and investigations under any other procedure whilst absent.
- To advise how an Employee may be able to improve their health and wellbeing.

An Occupational Health Adviser may refer to the Employee's GP or other medical specialist for further information regarding the Employee's medical condition.

It is expected that all Employees will consent to a referral being made to an Occupational Health Adviser when reasonably asked to do so.

Where consent is refused the Trust will make decisions about the management of an ill health issue based on all information reasonably available and this may be without the guidance of an Occupational Health Adviser. Where an employee refuses to attend an OH appointment without good reason, the school reserves the right to withhold contractual sick pay.

An Occupational Health Adviser assessment may be made via a face-to-face appointment or telephone consultation.

Any written report provided by an Occupational Health Adviser will be shared with the Employee. On receipt of the report from the Occupational Health Adviser a review meeting will usually be convened, and the employee may be accompanied by a workplace colleague or trade union representative at this meeting if they wish.

On rare occasions, there may be a difference of medical opinion between the Employee's GP/Fit note and the Occupational Health Adviser. In such instances the Trust will evaluate the conflicting advice and seek clarification as necessary but reserves the right for the opinion of an Occupational Health Adviser to take precedence where there are good grounds for doing so.

Government guidance:

- *The assessment about whether the employee is not fit for work or may be fit for work (and any other advice in the fit note) is classed as advice, and it is for employers to determine whether or not to accept it.*
- *Occasionally, you may believe that your employee is not fit for work when they have been assessed as fit for work by their healthcare professional, or you may think that your employee could do some work when they have been assessed as 'not fit for work' by their healthcare professional.*
- *In situations like this you are within your rights to gather other evidence about your employee's fitness for work from other healthcare professionals. You can choose to give this other evidence precedence over the advice in the fit note. Your employee may disagree with you, and you may need to demonstrate to an employment tribunal why the alternative source of evidence was more acceptable to you than the fit note.*

If an employee's absence becomes long term the Trust will request further advice from an Occupational Health Adviser, as necessary.

15. Return to Work Meetings

Employees will be required to meet with their Headteacher or other delegated manager on their return to work, regardless of the duration of their absence. The nature of the meeting will depend on the circumstances.

The purpose of this meeting is to:

- Discuss the reason and cause of the absence.
- To consider any concerns regarding attendance or patterns of absence

- Confirm that the Employee is fit to return.
- Discuss and agree any support that the Employee will need to return to work and sustain a safe, healthy and successful return, including recommendations made by a GP or Occupational Health Adviser
- To update the Employee on anything they may have missed during their absence.

Depending on the reason and length of the absence the Headteacher may agree further follow up meetings to help ensure that the Employee makes a successful and sustained return to work.

16. Reasonable Adjustments and supporting a return to work.

The Trust will seek to provide all reasonable support to enable an Employee to make a successful and sustained return to work following a period of absence or to maintain their performance in the workplace.

The Trust will give due consideration to any reasonable and practicable adjustments recommended in a 'fit note' or by an Occupational Health Adviser or requested by an Employee, as required by the Equality Act 2010.

When considering possible adjustments, the Trust will need to balance the needs of the Employee with what is realistic and practicable given the size and resources of the organisation.

The degree to which an Employee will need support and the nature and duration of any adjustments will be determined by the circumstances and will arise from discussion between the Employee and the Headteacher or other delegated manager. The Employee may be accompanied by a workplace colleague or Trade Union representative during any such discussion.

Adjustments may include, but are not limited to, consideration of:

- A phased return to work
- Adjustments to the working environment
- Guidance from an Occupational Health advisor
- A temporary alteration of duties or pattern of work
- Provision of additional equipment to assist the Employee in their duties.
- Providing time off for medical treatment or appointments
- Arranging temporary additional support in the workplace
- Redeployment to another role in the Trust.

The Trust expects the period of an agreed phased return to be limited to the minimum time required to support an employee's return to work. This may be for a week or two and would not normally exceed one calendar month. In these situations, the Employee will receive full contractual pay. In situations where the Employee requires a phased return in excess of one month then the Trust will consider the option of a temporary variation to the employment contract which will provide for payment for the hours agreed in the return-to-work plan. If this cannot be agreed for any reason the employee will be paid on full contractual pay for the hours worked and sick pay for the hours they are not in work.

17. Sickness absence Trigger Points

The Trust reserves the right to take action if they become concerned about the health / attendance levels of any staff member.

For the purposes of this policy, the trigger for line management intervention for a rolling 12 month period are one or more of the following:

- Four or more separate occasions of sickness absence in a rolling 12 month period, whether self / GP certified.
- Sickness absence totalling 10 working days in a 12 month period
- If a pattern of sickness absence has been identified e.g. Mondays, Fridays or the last day of term etc.
- Continuous absence lasting over 4 weeks (20 working days), which for the purposes of this policy is classed as long term absence. This trigger is pro-rata for part time employees
- When a manager has reasonable concern over the pattern of an employee's attendance at work e.g. absences are for frequent and unrelated non-specific illnesses, such as headache, stomach-ache, back trouble, especially where these are self- certificated.

Special notice should be made if, as a reasonable adjustment for disability, some sickness absence has been agreed to be recorded as disability-related sickness absence and not counted to some or all sickness absence for trigger points, or if an agreed increase in the number of absences that will trigger a review.

18. Short Term and Long Term Absence

Informal Action

The School Leadership Team, Trust Leadership Team or delegated manager will seek to address absence levels meeting the trigger points informally at an early stage by meeting with the Employee. Whilst it is not the norm for the Employee to be accompanied to this meeting by a workplace colleague or trade union representative, if employee makes such a request it will not be refused.

The purpose of this initial meeting is to:

- Explore reasons for absence and give the opportunity for the Employee to raise any health or other concerns arising from within or outside the workplace that may be impacting on their attendance.
- Explain how the attendance/absence is impacting on the individual's performance and the Trust
- Identify any support that the Trust may be able to provide or any action the Employee can take to improve or sustain attendance or in the case of long term absence, facilitate or expedite a return to work.
- Agree any follow up action including making a referral to an Occupational Health Adviser or counselling service where appropriate.
- Explain the Trust's expectations regarding attendance, agree an action plan or attendance targets and timescale for improvement.
- Agree when/how attendance will be monitored and reviewed

The Headteacher or relevant central team manager may move directly to address absence issues under the formal stage of the procedure, without first exhausting the informal stages where the circumstances warrant. This includes instances where concerns about the Employee's short-term absence have previously been addressed with a formal warning as part of this procedure.

After the meeting, the line manager will summarise the main points in writing, which will be shared with the employee.

Monitoring of Attendance following Informal Action.

In most instances it is anticipated that the level of attendance will improve, and informal monitoring will continue to ensure satisfactory attendance is sustained. However, in circumstances where an employee's attendance does not show acceptable improvement the Trust may move to a Stage 1 Formal Absence meeting.

In instances where it is suspected that the reason for the absence is not genuine, the matter may be treated as a conduct issue and be addressed under the Trust's Disciplinary Procedure.

Stage 1 Formal Absence Meeting

Where attendance does not show acceptable improvement a Stage 1 formal absence meeting will be convened.

An Employee will be given written notification of the formal absence meeting and will be advised that a formal warning may be an outcome.

The Employee may be accompanied to this meeting by a workplace colleague or trade union representative.

This meeting will be conducted by the more senior manager, within the Trust or School Leadership Team supported by an HR Adviser.

For short term absence, the purpose of this meeting is to:

- Explore the reasons for continuing absence and the impact this is having on the individual's performance and the Trust.
- Give the Employee the opportunity to respond to the concerns about their attendance and make any relevant representations or present any mitigating factors.
- Consider any relevant advice received from Occupational Health or whether such advice should be sought.
- Review progress towards attendance targets and set further targets and timescales for improvement.
- Consider the impact of any support/workplace adjustments which have been put in place and any further support which may be of benefit.

- Consider whether the Employee will be able to achieve and maintain a satisfactory level of attendance.
- Agree when/how a further meeting will be held to review attendance. The monitoring period may vary depending on the circumstances of the case but will usually be within 4-6 working weeks.

For long term absence, the purpose of the meeting is to:

- Discuss the impact of the absence on the individual, the school and the Trust.
- Consider any advice received from Occupational Health.
- Consider whether the Employee will be able to return to work in the foreseeable future.
- Consider the Employee's views on continuing in employment.
- Consider other options which may be available such as Ill Health Retirement and Redeployment
- Identify any support or adjustments that the Trust may be able to provide or any action the Employee can take to facilitate or expedite a return to work.
- Advise the Employee that if they are unable to return to work within a reasonable period consideration may be given to the termination of employment on the grounds of ill health.
- Explain that if the Employee is unlikely to be in a position to return to work in the foreseeable future – the situation will be reviewed after an agreed period.

The outcome of this meeting may be:

- Where some improvement in attendance has been made; to continue a further period of formal monitoring in which the Employee will need to achieve and sustain a satisfactory level of attendance. A further formal absence meeting will be arranged at the end of this period.
- To adjourn the meeting to seek further information or advice e.g. from an Occupational Health Adviser or explore alternative options such as ill health retirement or redeployment, where appropriate
- To issue a formal warning to the Employee regarding their level of attendance and advise them that should an acceptable level of attendance not be achieved or sustained within the identified timescales termination of employment may be considered. A further period of formal monitoring will continue, and a formal review meeting arranged at the end of this period.
- In instances where there is no reasonable prospect of a return to work within a reasonable period or the Employee is permanently unfit to undertake the duties of the post, the Trust reserves the right to move immediately following the Stage 1 Formal Absence meeting to a hearing to consider the case for dismissal on the grounds of capability due to ill health.

The formal warning will remain 'live' for up to 12 months

The School Leader or Trust Leader or delegated manager should provide the Employee with written confirmation of what was discussed, and the outcome of the meeting as soon as is practicably possible and normally within 5 working days.

This should specify:

- Any agreed workplace adjustments/supportive measures
- Monitoring arrangements and when a further review of attendance will take place.
- The outcome of the meeting. Where a formal warning is issued the reason, duration and notification that employment may be terminated should an acceptable level of attendance not be achieved/maintained should be confirmed in writing.

An Employee may appeal in writing against a formal warning within 5 working days of receiving the written outcome.

Stage 2 - Formal Absence Meeting

If there has been no acceptable improvement after Stage 1, a Stage 2 Formal Absence Meeting should be arranged.

The Stage 2 meeting will follow the same format as a Stage 1 Formal Absence meeting.

The outcome of this meeting may be:

- Where some improvement in attendance has been made; to continue a further period of formal monitoring in which the Employee will need to achieve and sustain a satisfactory level of attendance. A further formal absence meeting will be arranged at the end of this period.
- To adjourn the meeting to seek further information or advice e.g. from an Occupational Health Adviser or explore alternative options such as ill health retirement or redeployment, where appropriate

- To issue a Final formal warning to the Employee regarding their level of attendance and advise them that should an acceptable level of attendance not be achieved or sustained within the identified timescales termination of employment may be considered. A further period of formal monitoring will continue, and a formal review meeting arranged at the end of this period.

If having reviewed the case, the Headteacher determines that the Employee is either:

- Not currently fit for work and is unlikely to be able to return to work or sustain a return within a reasonable period of time, or
- Not currently capable of discharging the duties of the post and is unlikely to be able to do so within a reasonable period.

and

- All other appropriate options and up to date medical and occupational health information have been considered.

A hearing may be convened to consider the termination of employment on the grounds of capability due to ill health.

The Final formal warning will remain 'live' for up to 12 months.

The School Leader, Trust Leader or delegated manager should provide the Employee with written confirmation of what was discussed, and the outcome of the meeting as soon as is practicably possible and normally within 5 working days.

Stage 3 – Case Review Meeting/Recommendation for Formal Capability Hearing

If there has been no acceptable improvement following the Stage 2 Formal Review Meeting, a Stage 3 Case Review Meeting will be held. The meeting will follow the same format as the Formal Stage 2 meeting, but in addition the Headteacher or nominate manager should consider any new reasons offered by the employee in relation to their condition and review the effectiveness of any support or adjustments that have been put in place. At this point, if not previously done, an Occupational Health Referral must be made for an up to date medical assessment.

After considering all the information discussed, including the impact of the absence on the Trust, the Headteacher or nominated manager may consider one of the following outcomes:

- A recommendation that a Stage 4 Capability Hearing is convened to consider the Dismissal
- A further review period and targets for improvement
- No further immediate action as attendance has improved to an acceptable level

The CEO, Headteacher or delegated manager should provide the Employee with written confirmation of what was discussed, and the outcome of the meeting as soon as is practicably possible and normally within 5 working days.

Stage 4 – Hearing to consider Dismissal on the Grounds of Capability due to ill health
The arrangements for hearings are set out in further detail in Appendix A

The Employee will be given written notification of the date, time and venue of the hearing. This will be not less than 10 working days' notice. The notification will advise the Employee of the case to be considered and possible outcomes of the hearing – including that dismissal may be an outcome.

The Trust will provide the employee with all relevant documents which will be referred to during the hearing with the notification letter and in any case no later than 10 working days before the hearing.

The Employee has the right to be accompanied at this meeting by a workplace colleague or trade union representative.

The Employee is required to provide no later than 5 working days before the hearing:

- The name of their trade union representative or workplace colleague
- Any relevant documents they wish to be considered.

During the hearing the Employer will present the case for dismissal and the Employee will be given the opportunity to respond.

The Chair should provide the Employee with written confirmation of what was discussed and the outcome of the hearing within 5 working days of the decision. The Employee may appeal against any sanction within 5working days of receipt of the notification of the outcome.

Where dismissal is an outcome the notification letter should:

- Specify the reason for the dismissal, termination date and any notice period and
- Advise the Employee of their right of appeal against the dismissal.

It will be deemed sufficient for the Trust to issue written confirmation of the outcome of the hearing to the Employee's last known address. The Trust will check that they correct address has been supplied at the meeting.

Where an Employee is not dismissed appropriate next steps and further review date will be confirmed in writing with the Employee.

Appeal

The arrangements for appeals are set out in further detail in Appendix A

An Employee may register his/her appeal in writing within 5 working's days of receipt of the written outcome to the Trust Governance Professional with clear details why their grounds of appeal should be considered.

An appeal may be made on the following grounds:

- Unfairness of the decision
- That the sanction imposed was unreasonable
- That new evidence has come to light.
- Significant procedural irregularities.

In instances where the grounds for appeal are not stated the Trust will ask the Employee to confirm these to enable all parties to give due consideration of the issues prior to the appeal hearing.

Any supporting information must be submitted by the Employee no later than the deadline for the receipt of an appeal.

The Trust will provide the Employee with copies of any documents which will be referred to during the appeal in advance and usually no later than 5 working days before the appeal hearing.

An appeal hearing will be convened at the earliest opportunity, usually 10 working days of receipt.

A workplace colleague or trade union representative may accompany an Employee to an appeal.

The purpose of the appeal is to review the original decision on the basis of the grounds for appeal presented by the Employee. The outcome may be:

- To uphold the previous decision in full
- To uphold the Employee's appeal in full and withdraw any sanction.

The panel may not impose a higher level of sanction than reached previously.

The Employee will be notified in writing of the outcome of the appeal, as soon as is practicably possible and normally within 5 working days of the decision being made.

It will be deemed sufficient for the Trust to issue written confirmation of the outcome of the hearing / appeal to the Employee's last known address. The Trust will check that they correct address has been supplied at the meeting.

The decision of the appeal panel is final and there is no further right of appeal.

19. Non-attendance at formal meetings and hearings

Where an Employee and/or their representative if incapacitated is unavailable to attend they should inform the Trust at the earliest opportunity.

If a postponement is requested for unforeseen circumstances the meeting may be deferred by up to five working days from the date of the original hearing and only one postponement will be granted.

Should an Employee or their workplace colleague or Trade Union representative fail to attend the rescheduled meeting, the meeting will proceed whether all parties attend or not and a decision made based on the available information.

It will be deemed sufficient for the Trust to issue written confirmation of the outcome of the hearing to the Employee's last known address.

20. Absence during the probationary period

The Trust will monitor attendance during an Employee's probationary period. Any concerns will be managed in accordance with the Trust's probationary provisions and without recourse to this full procedure.

21. Absence/poor performance related to an ongoing medical condition or disability

In instances where an employee's disability or ongoing medical condition has an impact on performance in the workplace, advice will be sought from an Occupational Health Adviser in the first instance to identify measures that can be put in place to support the Employee. This may include consideration of reasonable workplace support and adjustments under the provisions of the Equalities Act 2010 and/or redeployment to an alternative role.

Regular informal review meetings will be arranged to monitor the situation.

Where all reasonable adjustments have been considered and should there be an ongoing impact on performance, these concerns may be addressed through the Trust's Capability Procedure.

22. Absence arising from management action to address performance/conduct concerns.

In instances where absence arises directly from management action to address performance and/or conduct concerns or as a result of a grievance complaint, the Trust will seek immediate advice from an Occupational Health Adviser, regarding how to support the Employee and manage the absence and/or progress the management of the other concerns.

The absence of the Employee will not usually prevent the school proceeding with action to address other concerns. However, this will be determined on a case-by-case basis and after consideration of the circumstances.

23. Ill Health Retirement

If an Employee is unable to return to work due to continuing ill health an application for ill health retirement may be appropriate. Referrals for ill health retirement will be made in accordance with the provisions of the Teachers' Pension Scheme or the Local Government Pension Scheme (for Support Staff).

24. Medical Suspension

The Trust reserves the right to suspend Employees in accordance with their duty of care on medical grounds, pending medical advice, should their presence at work be deemed to be detrimental to the health, wellbeing and safety of the individual, colleagues or pupils. Any such suspension will be confirmed in writing, be for a limited period of time and reviewed regularly.

Such suspensions are made on contractual pay and do not count against an Employee's sick leave entitlement or pay.

25. Time off for Medical Appointments

Prior approval must be sought for time off for medical appointments during working hours.

Wherever possible, routine medical appointments should be made outside of working hours.

Should this not be possible the Trust will allow reasonable paid time off to attend such appointments, where the request is supported by an appointment card or letter.

Wherever possible appointments should be made at the beginning or end of the Trust Day to minimise absence.

The Trust reserves the right to require an Employee to reschedule non urgent appointments where their absence would have an adverse impact on the operation of the school and/or Trust.

Where appointments and/or treatment are related to a long-term condition or disability then a discussion may be held with the Employee to discuss a likely pattern of absence for treatment and any appropriate adjustments.

Reasonable time off for medical appointments will not be recorded as sickness absence.

26. Pregnancy-related Absence

Pregnant staff may need to take time off to attend medical appointments and/or due to pregnancy related illness and the Trust will support this. We will not count pregnancy related sickness absence when reviewing attendance records.

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

27. Time off for Elective Procedures

Wherever possible Employees should endeavour to schedule elective surgery and the consequent recovery time during school holidays.

Where this is not possible to enable an Employee to attend appointments, flexible working arrangements may be considered at the discretion of the Headteacher. Alternatively unpaid leave or annual leave (in the case of employees contracted all year round) may be requested for such absence.

An Employee should make the Headteacher aware of the need for any time off under this provision as soon as practicable.

Should the consequences of the treatment make the Employee unfit for work this would be regarded as sickness absence in which instances the usual absence reporting and certification procedures would apply.

In the case of treatment or procedure to correct or prevent sickness absence arising from a diagnosed medical condition – treatment will not usually be regarded as sickness absence and authorised absence will be granted. Following the treatment or procedure any time off which is necessary may be regarded as sickness absence and should be supported by a valid ‘fit note’.

28. Absences Related to Drug & Alcohol Dependency

Absences related to a declared drug or alcohol dependency will be managed as an ill health issue for as long as the employee is compliant with treatment regime. Guidance will be sought from an Occupational Health Adviser and appropriate support and management action taken.

The Trust reserves the right to address instances of misconduct resulting from the use of alcohol or drugs under its disciplinary procedures.

29. Communicable Diseases

Should an Employee believe that they have encountered a disease that could present a risk to public health they should inform the Trust and not attend work if any symptoms are experienced.

The Employee should seek immediate advice from their GP and, if advised that their presence in the workplace presents a risk to themselves or others, remain off work until the GP advises it is appropriate for them to return.

Should their GP advise that the Employee remain off work, such an absence will be regarded as sickness absence.

Should there be an infectious disease in the workplace which may place certain Employees at particular risk – the Trust will discuss with those individuals how such risks can best be minimised. In certain circumstances this may include a temporary period of authorised paid absence.

30. Accidents at work or due to a Third Party

Employees should notify the Headteacher or other appropriate person of any accident or injury that occurs during the course of their work and follow the Trust's procedures for reporting and recording such incidents.

Support staff will receive normal contractual sick pay in these circumstances, but this should be recorded separately to other sickness absence (in accordance with Kent Scheme Terms and Conditions- Blue Book).

Teachers who are absent following an accident/injury at work will be paid in accordance with the provisions set out in the Burgundy Book (Conditions of Service for School Teachers in England and Wales).

Employees should notify the Trust of accidents/injuries where damages may be recoverable from a Third Party. An Employee who is absent from work because of an accident and receives damages in respect of loss of pay from a third-party claim will be required to refund to the Trust any sick pay paid to them in relation to the incident.

31. Disclosure of formal sanctions in employment references

Should an Employee have an unexpired formal sanction on file relating to attendance – this will be disclosed, upon written request, in any reference provided by the Employer to a prospective Employer.

32. Minuting Meetings and Record Keeping

All absences will be recorded. Notes may be taken of all discussions and formal/informal meetings held with an Employee to discuss attendance and ill health issues. Where notes are taken a copy will be made available to the Employee.

Minutes will be taken at hearings and appeal meetings and shared with the Employee as soon as is practicable. The Employee will have the opportunity to check the accuracy of the notes/minutes and comment on the accuracy of the minutes. Where there are discrepancies between the Employer and Employee that cannot be resolved both versions of the minutes will be held on record.

An audio record may also be made with the prior consent of the Employee. Where this is the case, the prior agreement of the Employee will be sought. In these instances, an audio copy will be shared with the Employee if requested.

Covert recordings of meetings or hearings are expressly prohibited. Any recording of a meeting or hearing must be with the prior consent of all parties.

33. Suspected non genuine absence.

Where it is suspected that an absence is not genuine or that false sickness declarations have been made the Trust may, after appropriate investigation, address the matter through the Trust's disciplinary procedure.

34. Advice and Support to Employees

Employees are advised to seek support from their Trade Union Representative or Professional Association with regards to absence issues. Employees may address questions about this procedure to the Headteacher or other delegated staff member.

35. Links to other policies

Appraisal Policy
Capability
Special Leave
Flexible Working
Staff Code of Conduct
Disciplinary

Appendix A: Guidance for Hearings and Appeals

General

Hearings and Appeals should take place at a reasonable time and place usually during the Employee's normal working hours, unless agreed otherwise with the Employee and, in the case of Employees who work term time only, during the Trust term. These arrangements may be varied by mutual agreement.

Consideration should be given to the venue for the hearing. There should be adequate rooms for the parties and arrangements to ensure that the hearing is conducted with discretion and confidentiality maintained. A venue away from the Trust site may be appropriate in certain circumstances.

The precise procedure to be followed will vary depending on the particular circumstances of each case, but in general the following will apply:

Role of the Panel/Manager Hearing the Case

It is the role of the panel/manager hearing a case to consider the evidence presented and decide whether on the balance of probabilities:

- The case against the Employee has been established, and
- Whether it is appropriate and reasonable to issue a formal warning or dismiss the employee.

Should an Employee appeal the outcome of the hearing it is the role of the panel/manager considering the appeal to review the original decision based on the grounds for appeal presented by the Employee and consider whether the original outcome was within a range of reasonable responses given the circumstances.

If the case is to be heard by a panel, it will be made up of no more than 3 directors and/or local governors. A chair will be identified who will have responsibility for facilitating the hearing.

Staff governors will not be a member of an appeal panel.

The Role of the Representative

The Employee has the right to be accompanied to a hearing or appeal meeting by either a workplace colleague or recognised trade union representative.

The representative may address the hearing to put and sum up the Employee's case, respond on behalf of the Employee at the hearing and confer with the Employee during the hearing. The representative does not have the right to answer questions on the Employee's behalf, address the hearing if the Employee does not wish it or prevent the Employer from explaining their case.

The Role of the HR Adviser

The Trust may request that a HR Adviser attends a hearing or appeal meeting whose role is to advise the panel on the procedure and any points of employment law.

A further HR Adviser may also be in attendance to support the Trust in the presentation of their case.

The HR Adviser may be allowed to ask questions and clarify issues on behalf of the party they are supporting.

Procedure for Hearings

- The manager hearing the case/chair of the panel will introduce those present and their roles, explain the case to be considered, the procedure to be followed and the format of the hearing.
- The Trust's representative presents their case including and referring to written submissions/evidence. The Employee and their representative and panel may ask questions of the Trust's representative.
- The Employee or their representative presents their case including presenting any mitigating circumstances. The Trust's representative and panel may ask questions of the Employee and their representative.
- Adjournments may be requested by both parties and by the manager/panel during the hearing.
- Both parties have the opportunity to sum up their cases, with the Employee or their representative having the final word.

- The hearing will then be adjourned whilst the panel deliberates over the evidence. If further clarification is required both parties may be recalled and the hearing reconvened so that all parties may hear any additional evidence.
- The hearing is reconvened, and the outcome is communicated verbally to the Employee. This should also be confirmed in writing. On occasion it may not be possible for the panel to reach a decision on the day of the hearing in which case the hearing may be reconvened, or all parties may agree for the outcome to be communicated in writing within 5 working days of the decision being made.

Procedure for Appeals

- The manager hearing the case/chair of the panel will introduce those present and their roles, explain the case to be considered, the procedure to be followed and the format of the meeting.
- The Employee or their representative shall put the case in support of the grounds for appeal, including any mitigating circumstances. This may include referring to written submissions and evidence. The Trust's representative and panel may ask questions of the Employee and their representative.
- The Trust's representative presents the case for upholding the previous manager/panel's decision and refer to written documentation. The Employee and their representative and panel may ask questions of the Trust's representative.
- The manager hearing the case/panel will invite both parties to sum up their cases, with the Employee or his/her representative having the final word. The hearing will then be adjourned whilst the panel deliberates over the evidence.
- Adjournments may be requested by both parties and by the panel during the appeal hearing. If new evidence is presented the appeal may need to be adjourned while this is investigated.
- The appeal hearing will then be adjourned whilst the panel deliberates over the evidence. If further clarification is required both parties may be recalled and the hearing reconvened so that all parties may hear any additional evidence.
- The appeal hearing is reconvened, and the outcome is communicated verbally to the Employee. This should also be confirmed in writing. On occasion it may not be possible for the panel to reach a decision on the day of the hearing in which case the appeal may be reconvened, or all parties may agree for the outcome to be communicated in writing as soon as practically possible and normally within 5 working days of the decision being made.

Appendix B: Sick Pay Entitlement

Teachers Employed Under Burgundy Book (Conditions of Service for School Teachers in England and Wales)

Service Required	Sick Pay Entitlement
During the first year of service	Full pay for 25 working days and, after completing four calendar months' service, half pay for 50 working days.
During the second year of service:	Full pay for 50 working days and half pay for 50 working days.
During the third year of service	Full pay for 75 working days and half pay for 75 working days.
During the fourth and successive years:	Full pay for 100 working days and half pay for 100 working days.

- Entitlement is based on aggregated teaching service.
- Previous local government service in non-teaching posts does not qualify.

Support Staff Employed under Kent Scheme Terms and Conditions

Service Required	Sick Pay Entitlement
Up to 4 months' service	1-month full pay
During year 1 (after 4 months' service)	1-month full pay + 2 months ½ pay
During year 2	2 months full pay + 2 months ½ pay
During year 3	4 months full pay + 4 months ½ pay
During year 4 & 5	5 months full pay + 5 months ½ pay
After year 5	6 months full pay + 6 months ½ pay

- Support staff engaged on a temporary basis of 4 months or less are entitled to Statutory Sick Pay or Incapacity Benefit only. After 4 months' continuous service staff will be entitled to the contractual sick pay benefits above
- Entitlement is based on continuous local government service.

Pension contributions during sickness absence

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