



Sickness Absence and Wellbeing Management Policy

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“Learning together; to be the best we can be”

1. Scope

- 1.1. This policy relates to all schools and settings across Nexus MAT and supersedes any local policies and procedures that have been in use prior to the academy conversion. Where required, an individual Nexus MAT academy – in agreement with the Trust Chief Executive Officer - may publish a supplementary policy guidance document or procedure in line with this policy, to ensure that any idiosyncrasies associated with that specific school are covered in their local policy library.

2. General

- 2.1. Absence from work, as a result of ill health or wellbeing, is likely to be a natural event throughout the career of any employee. Illness has a debilitating effect on the individual, which has an impact on life both at home and at work. This procedure is designed to help people managers and colleagues understand the steps in the process and to outline the way in which the Trust would like absence from work to be managed sensitively.
- 2.2. Health and Safety legislation regarding work, places a duty on an employee not to act in a manner that could put themselves or others at risk and also on employers to ensure the work processes, systems, and environment do not put employees at risk. The Trust's Sickness Absence Procedure is designed to provide some degree of protection for both parties in this regard by following a prescribed procedure and by completing the appropriate documentation. This process will help to provide essential evidence about the nature of factors, which may be affecting the employees' attendance.
- 2.3. This document and appended Notes of Guidance for Line Managers are designed to outline the management and monitoring process that will apply should employees experience ill health or wellbeing while in employment.
- 2.4. The policy and procedure established by the Trust requires that reasons for absence will be established and that employees will be seen on return to duty to ensure they are fit to be at work.

- 2.5. An employee will be required to attend a formal interview when their absence record gives cause for concern. This may be as a result of either frequency of absence or reason where this may suggest that there is an underlying cause with an impact on their capability to perform the duties and responsibilities of their post. Employees have the right to be accompanied at any formal stages by a work colleague or Trade Union representative.
- 2.6. It is clear when illness occurs the primary aim should always be to seek to assist the employee to return to full fitness as soon as possible. It must be recognised that while ill health affects home life there are also significant implications for the Trust from an employee being absent from work. There are important implications for colleagues covering for the absent employee and coping with any extra work. The delivery of an efficient service to customers may be affected and there is also increased managerial time resulting from making arrangements to cover for the absence. The efficient management and monitoring of sickness absence ensures the Trust and its constituent academies responds to the individual issues highlighted in any period of absence.
- 2.7. Such pro-active intervention can identify at an early stage any underlying problems, which may be preventing regular attendance at work. In following the steps recommended in this document line managers should help to ensure colleagues are not at risk while at work, are able to attend work more regularly and thereby also reduce the adverse impact on Trust provision and costs.
- 2.8. Employees are required to comply with the various elements of this procedure in order to qualify for occupational sickness payments under the Trust's Occupational Sickness Payment Scheme, including the understanding that regular contact with managers is essential in order to provide support and guidance to help facilitate a return to work. They should also keep their Line Manager fully aware of the likely duration and progress through treatment during any period of ill health or wellbeing.
- 2.9. Line Managers are required to ensure employees are fully aware of the various stages of the procedure and are required to implement this procedure and apply the various stages of the process in accordance with the advised timetable.

3. Types of absenteeism

- 3.1. Absence will tend to fall into one of the following categories; unauthorised absence, long term absence (in excess of four weeks); short term intermittent related absence (up to one/two/three week absence with similar/related conditions); short term apparently unrelated absences (odd days with a variety of reasons).
- 3.2. Cases of industrial injury should be investigated separately and statements taken from the individual and any witnesses. Line Managers need to take whatever steps are necessary to ensure they fulfil their duty of care towards an employee. This requires that they establish there are no ongoing issues that may affect an employee's ability to return and remain fit for work.

3.2.1. Unauthorised Absence

Occasionally employees fail to comply with the absence notification system, which results in pay being stopped. In such a situation, the management may have no option but to treat the matter, initially, as absence without reason and, therefore, as potential misconduct. Having given the employee the opportunity to explain their absence, it may be necessary to arrange a disciplinary interview to determine if there are any genuine, mitigating circumstances to take into account. Should no satisfactory case be made, a warning may be issued in accordance with the Trust's disciplinary procedures rather than the Sickness Absence and Wellbeing Management Procedure.

3.2.2. Short Term Intermittent Absence

- 3.2.2.1. Persistent unrelated sickness absence, where regular patterns of one, two, three or four days absences for a variety of reasons have been established, may require the individual to be issued with a warning in respect of this absenteeism.
- 3.2.2.2. Persistent intermittent sickness absence where there are related reasons, i.e. due to an underlying medical condition may require consideration under the Disability Discrimination Act. In cases of disability, advice is available from the Trust's Human Resources advisor on the handling of such cases.

3.2.3. Long Term Absence

- 3.2.3.1. Regular contact between the employee and the line manager is vital and it is recommended good practice by the British Occupational Health Research Foundation that initial verbal contact should be made within the first two weeks of absence to see if any early assistance might be appropriate and thereafter at least once every two weeks in order for managers to enquire about their well-being.
- 3.2.3.2. Early assistance could entail referral to counselling or advice about seeking physiotherapy or other specialist appointments in liaison with their G.P. Employees with long unbroken spells of serious illness should be referred, at management discretion, for discussion with the Trust's Human Resources Advisor but no later than 4 weeks after going absent. In liaison with the Line Manager medical advice will be sought where appropriate. Where individuals are incapable of attending a meeting with their Line Manager, a HR Consultant is available to accompany them on a visit to the employee, at home or other agreed location if necessary, to ascertain details of the individual's condition.
- 3.2.3.3. Employees may be referred for an initial medical assessment after six to ten weeks' continuous absence dependent upon the nature of the illness, prognosis for recovery and the need to identify any possible adjustments or modifications to the job, which might allow an early return to work. In other cases such a referral might be needed when a decision is to be taken on employment or after illness to ensure a return to work will not put the employee at risk.
- 3.2.3.4. In cases where the employee is diagnosed as being permanently unfit for work of a particular kind, reasonable adjustments and/or suitable alternative employment options will be explored before any arrangements are made for retirement on grounds of ill health. In those cases where the employee is unable to return to work in the foreseeable future, similar consideration will be given, but ultimately there may be a requirement to take a decision regarding future employment. Consideration will be given in these circumstances to

the employee's age, length of service, sick pay and pension entitlements.

3.2.3.5. In all cases there is a need to balance the employee's likely future health picture and anticipated recovery period against the employer's need for the job to be done.

3.2.3.6. Given the nature of some illnesses, apparently unrelated sickness absence may, at any time, be diagnosed as attributable to a specific medical condition. Employees who have been issued with warnings may become long-term absentees and the procedure for handling these individuals and those suffering from the effects of industrial injury, will have to be varied as appropriate.

3.2.4. Accidents

3.2.4.1. These could occur while at work and performing the employee's normal duties. Records should be filled in as soon as practicably possible after the accident occurs. The employee should complete an accident report form and a line manager should investigate the circumstances of the incident. This should include talking to and obtaining statements from any pertinent witnesses and drawing sketch maps of the vicinity, noting weather conditions, work environment, protective clothing etc., and any other relevant matters.

3.2.4.2. An accident at work resulting in absence from their job of 3 days or more should be recorded as a reportable accident in line with the Trust's Health & Safety Policy. Accidents at work are always to be investigated and should inform practice to avoid these re-occurring. Similarly, frequent accidents reported by the same employee may identify a training need or performance issue that should be urgently addressed.

3.2.4.3. Accidents outside of work as a result of a third party, for example in a car accident, should lead to investigation of the circumstances. In these cases, an employee's occupational sickness payments are advanced on the proviso these monies are reclaimed from the Third Party.

3.2.4.4. Accidents as a result of pastimes, sports or while on holiday could also be covered by insurance and therefore any claims or monies received in respect of lost wages should be repaid to the Trust to offset the occupational sickness payments advanced during the absence of the employee.

3.2.5. Absence related to a Disability

3.2.5.1. When an employee is absent from work and the absence is related to a disability, managers need to consider with sensitivity, whether any reasonable adjustments are necessary to assist an earlier return to work, limit future absence and support the employee in achieving an appropriate level of attendance. If reasonable adjustments are being considered, guidance and support should be sought from the HR advisor, who may also be able to advise about external sources from which to access further assistance. Examples of reasonable adjustments could be:

- extending triggers points;
- providing specialist equipment;
- modifying days or hours of work;
- modifying duties;
- Disability leave.

3.2.5.2. All sickness absence must be recorded by the school office; this includes absence related to a disability. When individual sickness absence records are being examined, managers should identify disability related absence in order to consider if any appropriate adjustments can be put in place to address the underlying reasons for absence. Disability related absence will not be discounted when determining appropriate action under the Trust's sickness procedures.

3.2.5.3. The Trust offers, as a reasonable adjustment, up to 7 occasions Disability Leave for those employees who have a disability as defined by the Disability Discrimination Act for assessment, treatment and rehabilitation, this includes hospital check-ups,

medical appointments etc. More information about this can be found in the Trust's Disability Leave policy.

3.2.6. Unwell at work

3.2.6.1. Should an employee become unfit for work whilst in the workplace, managers should ensure that they are able to get home safely. As the employee has attended work on that day, this day would not normally be counted as the first day of sickness. The first day of absence is when an employee is unable to attend in the workplace. However managers should note that if this happens regularly then they may need to meet with the employee to discuss.

4. Reporting absence

4.1. Telephone Contact

4.1.1. Arrangements should be communicated to employees, normally on appointment and as part of the induction process, which outline the steps an employee is required to take to inform the school if they are unable to attend for work. Employees should familiarise themselves with the document "What To Do When You Are Ill".

4.1.2. The employee makes first contact with work by telephone, verbal contact should be made rather than sending a text message or e-mail, ideally before the time they normally start work, or as soon as practicably possible so that contingency plans can be put in place to cover for the absence. Generally, a specific contact name is provided who should be contacted by a designated time – this will usually be the school office. If the manager is not the person taking the message, then it should be made clear that the manager may attempt to speak to the employee as soon as practicable to check on their wellbeing.

4.1.3. Telephone messages need to record certain important details to facilitate school planning such as identifying the employee, where they work, their job title, illness and anticipated length of absence. Regular telephone calls should be made by the employee to update their manager on their progress and if employees are unable to return on the

anticipated date, a further telephone call should be made to notify the Line Manager of the revised return to work date.

- 4.1.4. The School Business Manager/Office Manager should ensure that the sickness absence details are recorded on the required systems in school and centrally and ensure this is kept up to date.

5. Records

- 5.1. Employees need to be aware that a record will be maintained throughout their employment detailing the days absent and reasons for absence from work due to ill health. These records are necessary to calculate entitlements to occupational sick pay and to help Line Managers identify at an early stage any underlying patterns or causes of sickness absence.
- 5.2. All schools have established procedures for regularly reviewing the absence records of their employees under their duty of care. All sickness absence should be recorded electronically by the school Business Unit to provide an accurate record of sickness absence. Line Managers should identify, by the process of regular and systematic review of their employee's absence, if absence levels are high or patterns/incidences of absences are evident.

6. Documentation

- 6.1. Employees are required to complete a Self-Certification Form (**Appendix A**) for every occasion of absence covering up to the first seven days of any absence. Medical certificates issued by a G.P. or Hospital should be submitted for absences continuing after seven days.
- 6.2. The school management team are required to record reasons for absence and to maintain sufficient evidence of the content of discussions to satisfy their duty of care. Where there are specific sensitivities, a record may be overseen by the Headteacher only. A Return to Work Interview Form is required to be completed which records the brief details anticipated at the short return to Work Interview.

- 6.3. Following formal sickness interviews a letter should be sent to the employee outlining the content of the discussion and any recommendations or expectations for the future. A copy should also be made and filed on the individual's personal file.
- 6.4. The Trust has template letter content for use during periods of sickness absence. Whilst these are provided as guidance this does not mean they cannot be varied as appropriate to reflect the discussion that took place and the circumstances relating to each particular employee. Line Managers should exercise careful judgement about the language used in these letters.

7. Criteria to see employees

- 7.1. In order to satisfy the duty of care under Health & Safety legislation, managers will need to demonstrate that they have responded to patterns, frequency and reasons of absence. The records provided by self-certificates, G.P.'s medical certificates, and return to work interviews provide the basic information from which managers can start to discharge their duty of care. Frequent or prolonged absence, which affects an employee's capability to perform the duties and responsibilities of their post as often as is required, will necessitate a formal interview with that employee. Similarly absence that may be claimed to be attributable to circumstances at work must be carefully investigated.
- 7.2. As a Multi-Academy Trust it is recognised that some employees have transferred to the Trusts employment via TUPE under academisation, whereby all terms and conditions of employment from the previous employer/relevant local authority have been transferred. A summary of absence review process (**Appendix B**) shows the minimum criteria to be adopted and absence trigger points for when formal interviews should take place for employees in these circumstances as per the relevant authority. For employees who have transferred employment due to academisation the relevant Absence Management Policy can be obtained from the Trusts HR Advisor.
- 7.3. For all employees new to Trust employment or those starting a new role in their school or team post-conversion (including Central Trust staff) the

Absence Management process within this policy is to be adopted (**Appendix B**)

7.4. As a general rule it is recommended that the following minimum criteria be adopted for when formal interviews should take place:-

- 3 occasions or 2 working weeks in a 3 month period (or school term, whichever comes first)
- 4 occasions or 3 working weeks in a 6 month period
- 5 occasions or more in a 12 month period
- A continuous absence of over 20 days

The trigger points are pro-rata for part-time employees.

7.5. In some circumstances Line Managers may be concerned about an employee who does not meet the above criteria. It must always be the case that Line Managers discharge their duty of care by seeing, discussing and recording the outcome of those discussions with the employee to ensure all reasonable steps are being taken to help colleagues to attend work as regularly as possible. Following any formal meeting there should be notes of the discussion and a letter to the employee that should be copied and recorded on the personal file. There is a Sickness Interview Form to assist managers through formal reviews.

7.6. Where the sickness absence trigger points have been breached then line manager action needs to be taken.

8. Interviews

8.1. Return to Work Interviews by Line Managers, Supervisors, etc.

8.1.1. These notes should be read in conjunction with the Notes of Guidance for Line Managers and Supervisors in **Appendix D** to this document.

8.1.2. Line Managers should meet each employee immediately on their return to work, or as soon as possible after any period of absence. This meeting will ensure Line Managers know and record exactly the reasons for absence and that on returning to work the employee is able to

resume the duties and responsibilities of their employment. Employees may request for a manager of the same sex from their department rather than their immediate manager if of the opposite sex, if they feel uncomfortable discussing sensitive issues.

- 8.1.3. In undertaking their responsibilities in relation to the latest absence Line Managers have an opportunity to review the employee's overall record. Line Managers should initially welcome the employee back to work and record the necessary details on the prescribed documentation. The brief discussion should satisfy the duty of care to ensure the employee is fit to return to either the full duties of their job or the agreed duties as detailed on the Fit Note from their GP. In the vast majority of cases it is anticipated this interview should be all that is required.
- 8.1.4. Dependent upon the length of the absence or frequency of previous spells of absence, it might be appropriate to help employees recognise, at the brief return to work interview, the impact their level or frequency of absence has had on the service and their colleagues. There is also an expectation at this Return to Work interview, if the employee's record demonstrates that the sickness triggers have been met, Line Managers indicate that there are concerns about the employee's absence record and that a formal review will need to be held in the near future. In this situation it may be useful to arrange a date for the formal review and remind the employee that at this meeting they may be accompanied by a recognised TU representative or work colleague.
- 8.1.5. This early part of the process is recorded by employees having to complete the Trust Self-Certification Form (**Appendix A**) which should be obtained from the school office on the employee's return to work after any spell of absence. This is the absence record and should contain the necessary details requested on the form. A failure to complete this form or provide the information required will lead to a delay or non-payment of occupational sickness pay.
- 8.1.6. The Self-Certification Form should be submitted to the School Business Team to ensure employees are paid and Line Managers should complete their own record of the details shown on the Self-Certification Form by completing a Return to Work Interview Form (**Appendix C**). The original should be retained locally in the personal file so that Line Managers may

refer to it to inform future considerations under the Sickness Absence Procedure. Basic notes about any relevant comments made at this stage of the Sickness Absence Procedure can be kept in a diary or by preparing a very brief file note detailing in summary the content of the discussion.

8.2. First Formal Attendance Review Interview (Stage 1)

- 8.2.1.** If it is considered appropriate, due to the nature of the absence from work or where the recommended minimum criteria are exceeded, a first formal review of absence should take place. Employees should be invited in writing giving 5 working days' notice and given the opportunity to be accompanied by a Trade Union or work colleague as their representative. The object of the interview should be to establish the facts of the latest absence, reason, treatment, medication and the likelihood of possible future absence.
- 8.2.2.** Examples of anticipated potential outcomes following this First Formal Interview are outlined below:
- 8.2.3.** If the attendance is considered likely to improve because of a temporary period of sickness/injury (e.g. broken bones, operations), and normal working has or is likely to resume, the interview should be quite brief. A check will need to be made to ensure that the employee is able to sustain their return to work and there are no outstanding issues.
- 8.2.4.** A letter should be sent to the employee and a copy retained on the personal file. From the date the meeting took place the formal review period remains in effect for 6 months. Should the individual's absence improve during the 6 months, the outcome letter will be disregarded after this period of time.
- 8.2.5.** Following the First formal review, if the employee is absent from work for a further 5 days or 2 occasions within the 6 months' review period a further formal meeting must be held. This meeting should consider all the circumstances and representations from the employee. If the circumstances are accepted, then a further review period should be applied within which absence will be monitored.

- 8.2.6. If the employee's absence record has not improved and the circumstances and representations are not accepted the employee should be issued with a written warning within the procedure.
- 8.2.7. If there is the possibility of an underlying medical problem, ask sympathetically, for as much information as is available, bearing in mind issues about confidentiality. In these circumstances, employees should be advised that a member of the Trust's HR Advisory service is available for advice/assistance. In cases not referred at this stage, the detail of discussions with the Line Manager should be summarised in a letter to the employee and copied for file. Under the normal review process, if more absence is recorded then advice should be sought from the Trust's Human Resources Advisor.
- 8.2.8. Information provided at Return to Work interviews or later Formal Interviews may indicate issues that could require the assistance of outside agencies. In these cases advice should be sought from the Trust's Human Resources Advisor who may direct employees to Occupational Health, external support providers, counselling services where appropriate.
- 8.2.9. An underlying medical condition, which appears to be having a significant and long-term effect upon an employee's ability to perform normal day to day activities, should warrant more detailed analysis. This could take the form of a referral to for Occupational Health advice or consideration of reasonable adjustments or redeployment opportunities. Advice on these matters should be sought from officers of the Trust's Human Resources Advisor.
- 8.2.10. If there is no apparent underlying medical reason for the high level or high incidence of absence, and having established that there are no work related problems, you should inform the employee you expect to record a significant and sustained improvement in attendance. In these circumstances there should be a record made and confirmed in a letter Sickness Written Warning - Outcome Letter to the individual explaining why this level of absence is causing unacceptable disruption to both service delivery and colleagues. This action would represent a Written Warning within the formal Sickness Absence Procedure that remains in effect for a period of 9 months from the date of issue. Should the

individual's absence improve during the 9 months, the warning will be disregarded after this period of time.

8.2.11. Following a formal written warning if the employee is absent from work for a further 5 days or 2 occasions within the 9 months review period a further formal meeting must be held. This meeting should consider all the circumstances and representations from the employee. If the circumstances are accepted then a further review period should be applied within which absence will be monitored.

8.2.12. If the employee's absence record has not improved and the circumstances and representations are not accepted the employee should be issued with the next warning within the procedure.

8.2.13. When a Written Warning has been issued then employees should be informed of their right to appeal against this level of warning.

8.3. Second Formal Attendance Review Interview (Stage 2)

8.3.1. A second meeting is held if there has been a failure to meet the attendance target set at the first formal meeting. A further attendance target and formal review period is set. This would most commonly be for a period of 9 months with a similar target as the first stage meeting.

8.3.2. Opportunity should once again be given for the employee to be accompanied by a Trade Union or work colleague as their representative.

8.3.3. In cases where absence is persisting, a likely date of return needs to be established. This may be obtained by either contacting the individual's G.P. (with the employee's consent) or after liaison with the Trust's Human Resources Advisor, when the employee will be required to attend a medical assessment with the Occupational Health service.

8.3.4. Where permission to write to his/her G.P. is not given, decisions on a future course of action regarding the absence must be made on the basis of the information available.

8.3.5. The medical referral process should form part of any consideration regarding ill health. The information received should help Line Managers

determine the future direction of the management of the employee's absence. However it may not be possible, even where an employee has a long term condition, to give a clear opinion about when a possible return to work might be anticipated. It is possible, for example, that medical treatment may not have commenced or be leading to any immediate improvement. In these circumstances the Line Manager must consider how long they are able to wait for the situation to become clearer, balanced against the operational needs of the service. An indication should be given to the employee in writing about the possible intentions and outcomes of the process, which might also include consideration about future employment.

8.4. Third Formal Attendance Review Interview (Stage 3)

- 8.4.1. A meeting is to be held at Stage 3 if there has been a failure to meet the attendance target set at the second formal meeting and a failure to improve their attendance over a sustained period of time. A potential outcome of this meeting is dismissal on the ground of unsatisfactory attendance.

Where an employee's attendance improves and they meet the attendance target, the manager should write and confirm this and also advise the employee that their attendance at work will continue to be monitored for a period of 12 months. Should an employee exceed the trigger points within this 12 month period the manager should decide, dependent on the circumstances, whether further formal action is necessary. If employees are placed back into the formal process they will not automatically revert to the first formal stage, which stage they return to will be dependent on the individual circumstances.

- 8.4.2. It would be anticipated that, at this stage, all mitigating circumstances have already been taken into account. It should be made explicit at the outset and in writing, when the employee is called to such an interview, that this third formal interview could result in a decision being made to dismiss them from employment with the Trust.
- 8.4.3. Every attempt should be made to explore alternative strategies to dismissal, but it is sometimes necessary, despite having medical certification and genuine reasons for absence, to issue notice to

terminate employment. This may be on the grounds of a lack of 'capability' to fulfil the contract of employment.

- 8.4.4. Where a decision to terminate employment is made the employee will be informed of their right to appeal.
- 8.4.5. An employee may appeal against the third stage outcome by writing to the Governing Body requesting a review of the decision. The letter must specify the reasons for appeal and must be made within ten working days of receipt of the outcome letter. Where an appeal is made it is heard by the appeals panel/committee. This panel/committee must be made up of different Governors involved in the original decision. Appeals will be conducted in line with the processes detailed in the disciplinary procedure. There will be no further right of appeal against the outcome/decision.
- 8.4.6. The Occupational Health specialist may in circumstances of permanent ill health be able to support an application for ill health retirement. In order for any application for ill health retirement to be supported the employee will need to be under the care of a Consultant, and be diagnosed with a permanent condition. In view of the advances in medical treatment it is difficult for medical opinion to accept that employees will not recover. However, such judgements are made giving due regard to the age of the employee, the nature of the illness and the duties to be performed in the relevant post or reasonable alternative post. If ill health retirement is to be pursued separate procedures need to be completed in conjunction with the Trust's Human Resources Advisor before access to pension benefits can be obtained.
- 8.4.7. It should be noted that the final decision on whether to release any employee's pension benefits based on medical advice rests with the CEO **not** the Pension Funds Doctor. As such any medical advice provided by the Pension Funds Doctor will be taken into consideration along with other factors based on individual circumstances before a final decision is made.

At any stage of the process consideration should be given to disability adjustments and an employee can be 're-set' an attendance target at the existing stage they are at, dependent on the circumstances.

Appendix A: Summary of absence review process



This form should be completed and returned to the school officer where there has been short-term illness of up to 7 calendar days. Any absence over 7 calendar days will require a Medical Certificate.

About you		
Name:		
Job Title:		
School:		
About your illness		
Please give brief details about the nature of your illness. Stating "unwell" or "sickness" is not sufficient.		
Have you consulted your Doctor about your illness?		
Please provide the name and address of your Doctor		
If yes , please state the day & date of your consultation	Day:	Date:
If you are unfit for more than 7 days (including non-working days) you should obtain a Medical Certificate from your doctor or hospital.		
What day & date did you last attend for work?	Day:	Date:
What day & date was your first day of illness ?	Day:	Date:
What day & date was your last day of illness ? (including non-working days)		Date:
What day & date did you resume work?	Day:	Date:
You must complete an Accident Report Form if workplace accident or injury applies.		
If your illness was caused by a workplace accident or injury, please state the day, date and time.		
Any successful claims against a third party for loss of earnings must be paid back to the Trust.		
Was your illness a result of an accident involving a third party?		
I declare that the above information, given by me, and discussed with my Supervisor/Line Manager, is to the best of my belief, True and Complete.		
Signature:		
Date:		
TO BE COMPLETED BY LINE MANAGER		
A Return to Work Interview must be completed. Copies of all paperwork must be kept on an individual's personal file.		
Line Manager's Signature:		
Date:		

Appendix A: Summary of absence review process

All employees of Nexus MAT not in receipt of TUPE following conversion

<p>First Formal Attendance Review Interview (Stage 1)</p>	<p>A short term absence review trigger point is defined where a staff members record shows:</p> <ul style="list-style-type: none"> • 3 occasions or 2 working weeks in a 3 month period (or school term, whichever comes first) • 4 occasions or 3 working weeks in a 6 month period • 5 occasions or more in a 12 month period • A continuous absence over 20 days
<p>Second Formal Attendance Review Interview (Stage 2)</p>	<p>Following the First formal review, if the employee is absent from work for a further 5 days or 2 occasions within the 6 months review period a second formal meeting must be held.</p> <p>Following a formal written warning if the employee is absent from work for a further 5 days or 2 occasions within the 9 months review period a third formal meeting must be held.</p>
<p>Third Formal Attendance Review Interview (Stage 3)</p>	<p>Those employees, whose absence records do not show the necessary sustained improvement, and there has been a failure to meet the attendance target set at the second formal meeting and a failure to improve their attendance over a sustained period of time. A potential outcome of this meeting is dismissal on the ground of unsatisfactory attendance.</p>

DONCASTER METROPOLITAN BOROUGH COUNCIL

<p>First Formal Attendance Review Interview (Stage 1)</p>	<p>A short term absence review trigger point is defined where a staff members record shows:</p> <ul style="list-style-type: none"> • 8 working days of absence, in any 'rolling' twelve month period, and/or; • 3 periods of absence or more in any 'rolling' twelve month period, and/or; • a pattern of absence which is causing concern, for example, regular Friday or Monday absences or absences regularly occurring at a particular time of month or year. <p>(Where an member of staff works less than a 5-day working week then the working days trigger points should be pro rata-ed)</p> <p>A long term absence review trigger point is defined as:</p> <ul style="list-style-type: none"> • any period of continuous absence of 4 weeks (28 days) or more.
<p>Second Formal Attendance Review Interview (Stage 2)</p>	<p>If attendance level is still unacceptable a second formal attendance review interview is to be scheduled .i.e. for short term 2 days/2 occasions or more in 3 months monitoring period, or no return to work from long term absence. Or following a successful 3 month monitoring period for short term 4 days/2 occasions or more in 6 months, or no return to work from long term absence.</p>
<p>Third Formal Attendance Review Interview (Stage 3)</p>	<p>If attendance level is still unacceptable and/or no return to work has occurred a third formal attendance review interview is to be scheduled. Attendance at a formal hearing may be requested with a case for potential dismissal.</p>

Appendix A: Summary of absence review process

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ROTHERHAM METROPOLITAN BOROUGH COUNCIL

First Formal Attendance Review Interview (Stage 1)	<p>A short term absence review trigger point is defined where a staff members record shows:</p> <ul style="list-style-type: none"> • 3 occasions or 2 working weeks in a 3 month period (or school term, whichever comes first) • 4 occasions or 3 working weeks in a 6 month period • 5 occasions or more in a 12 month period • A continuous absence over 20 days
Second Formal Attendance Review Interview (Stage 2)	<p>Following the First formal review, if the employee is absent from work for a further 5 days or 2 occasions within the 6 months review period a second formal meeting must be held.</p> <p>Following a formal written warning if the employee is absent from work for a further 5 days or 2 occasions within the 9 months review period a third formal meeting must be held.</p>
Third Formal Attendance Review Interview (Stage 3)	<p>Those employees, whose absence records do not show the necessary sustained improvement, and there has been a failure to meet the attendance target set at the second formal meeting and a failure to improve their attendance over a sustained period of time. A potential outcome of this meeting is dismissal on the ground of unsatisfactory attendance.</p>

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First Formal Attendance Review Interview (Stage 1)	<p>A short term absence review trigger point is defined where a staff members record shows:</p> <ul style="list-style-type: none"> • any pattern of absence which gives cause for concern • a third period of absence in a term • 4 absences in the previous 12 months <p>A long term absence review trigger point is defined as:</p> <ul style="list-style-type: none"> • Following 6 weeks absence or where it is apparent that absence will extend beyond this period
Second Formal Attendance Review Interview (Stage 2)	<p>On an appointed review date from the first formal attendance review, a second formal review will take place. If attendance is not satisfactory the employee will be issued with a Stage 2 Formal Improvement Notice, a further monitoring period, targets and further review date.</p>
Third Formal Attendance Review Interview (Stage 3)	<p>If attendance remains unsatisfactory a Stage 3 - Dismissal Hearing where termination of employment will be considered may be convened.</p>

Appendix B: Return to work interview form



Employee Details		
Name:		
Job Title:		
School:		
Absence Details		
What day & date did your employee resume work?	Day:	Date
Self-Certification Check		
Is this sickness covered by the relevant Self Certification Form or Statement of Fitness to Work (Fit Note)?		
Has the nature of the illness been completed?		
Does the employees' sickness record raise any concerns?		
Have any absence triggers been activated?		
Is a third party claim for loss of earnings being made?		
Was the illness caused by a workplace accident or injury? If yes, separate detailed notes should be taken including statements from individuals and witnesses.		
Reasonable Adjustments		
Does the employee require any reasonable adjustments in line with the guidance provided by the GP on the Fit Note?		
If yes, please give details here:		
Has the illness resulted in a disability as defined by the Disability Discrimination Act?		
As a result of this illness does your employee need assistance to leave a building in an emergency? <i>This could be temporary/permanent adjustment.</i>		
If yes, a Personal Emergency Evacuation Plan must be completed.		
Employee comments/concerns raised:		

Appendix B: Return to work interview form



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Manager comments/concerns raised including recommendations for future actions/referrals:

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Line Manager Authorisation/Sign off

Manager's Signature:	Print Name:
Position:	Date:

If you are not the immediate line manager of the employee, please sign here and ensure that this form is also signed by the employee's line manager.

Signature:	Print Name:
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Please ensure that a copy of this form is included on the personal file of the employee.

Introduction

Management responsibilities primarily consist of ensuring employees are fit to be at work and are not put at risk from work practices, equipment or the work environment. In order to discharge these responsibilities a number of steps are required to ensure both the employee and the employer have confidence that issues of sickness absence are managed properly.

Listed below are the anticipated steps you will need to ensure are in place to discharge your responsibilities under the Sickness Absence Procedures:-

Telephone contact

Arrangements should be communicated to employees, normally on appointment and as part of the induction process, which outline the steps an employee is required to take to inform the service if they are unable to attend for work.

The employee makes first contact with work by telephone, verbal contact should be made rather than sending a text message or e-mail, ideally before the time they normally start work, or as soon as practicably possible so that contingency plans can be put in place to cover for the absence. Generally a specific contact name is provided who should be contacted by a designated time. In most cases, this should be the school office. If the manager is not the person taking the message then it should be made clear that the manager may attempt to speak to the employee as soon as practicable to check on their wellbeing.

Telephone messages need to record certain important details to facilitate provision planning such as identifying the employee, where they work, their job title, illness and anticipated length of absence. Regular telephone calls should be made by the employee to update their manager on their progress and if employees are unable to return on the anticipated date, a further telephone call should be made to notify the Line Manager of the revised return to work date.

Self-Certification

A Self-Certification Form is required for every spell of absence (even 1 day's absence), up to the requirement to supply a Doctor's medical certificate after 7 days of continuous absence. Employees normally should obtain this form from their Line Manager or Supervisor immediately on return to work. Where absence is indicated

to last in excess of 4 days this form should be sent to the employee for immediate completion and return while still off work.

Return to Work

The aim of undertaking a brief Return to Work interview is to help Line Managers or Supervisors to satisfy their duty of care under Health and Safety legislation.

Line Managers or Supervisors need to meet each absent employee as soon as practicably possible on their return to work following any period of absence. Employees may request for a manager of the same sex from their department rather than their immediate manager if of the opposite sex, if they feel uncomfortable discussing sensitive issues.

This is not a "disciplinary type" interview but a brief, CONFIDENTIAL and relatively informal contact, which should happen for every employee to ensure they are fit to return to work and to let them know they were missed.

It is also an opportunity to discuss at an early stage any domestic or work related problems that may be responsible for absence from work.

Managers should complete a Return to Work Interview form (**Appendix B**), the original of which is retained on the personal file of the employee. This information should mirror the details the employee submits on their Self-Certification Form and include any relevant comments for future sickness absence management purposes.

Managers should ensure that the return to work date is recorded as the end date for that specific period of sickness absence by the school business unit.

It is important for Managers and Supervisors performing the first informal return to work interview to remember these points when conducting the interview:-

- a. Each employee is an individual with their own set of circumstances and deserves to be consulted in a reasonable manner with sympathy, understanding and compassion.
- b. The return to work interview is designed to be a brief establishment of the facts resulting in the absence. The interview should be confined to the absence and related circumstances and should take place in an appropriate (i.e. confidential) environment. This discussion should not stray into areas of conduct or job performance for which separate procedures exist.
- c. It provides an opportunity to briefly review each absent individual's attendance record.
- d. Managers and Supervisors need to consider in the light of the points above, whether or not any further action may be necessary. (Fill in the comments box of Return to Work Form indicating if a record is giving cause for concern).

Advice about a potential course of action or response to absence from work can be obtained from the Trust's HR Advisor. Whilst it is preferable to have sought advice before any face to face interaction it is possible for you to briefly adjourn

proceedings or come back to the employee later that day after seeking telephone advice.

The review at this initial stage to consider an appropriate way forward should take into account matters such as:-

- the length of the various absences and periods of good health in between;
- the likelihood of the current level of absence recurring or some other illness arising;
- the impact on those who work with the employee and the overall effect on the school and its children and young people;
- the likelihood of suitable alternative employment being available or acceptable.

Line Managers or Supervisors should NOT be issuing official cautions at brief Return to Work interviews.

You should, however, be able to judge the circumstances applicable to an individual and deal with them reasonably in this first brief review of sickness absence. It would be appropriate to point out to an employee, where their record is giving cause for concern that further absence could result in a formal review with yourself or a more senior officer in the Trust. In some cases, especially where long term conditions or frequent related absences are recorded, it may be necessary to refer employees for a medical opinion from the Occupational Health service. Employees should be reminded of this requirement at an appropriate return to work interview so that the referral, when this is made, does not worry the employee unnecessarily.

Where an employee has had previous absence it would be appropriate for Line Managers to make early intervention in the management of the sickness absence. So employees who have further time off for a pre-existing condition or where previous warnings for sickness absence have been issued, should be kept under close review.

Referrals

In certain circumstances the frequency, length or reasons for absence will require the case being dealt with under the formal procedure. This could be with the Headteacher as a formal interview and may, if considered appropriate, include an officer of the Trust's HR Advisor team to advise on a suitable approach to the circumstances of the case. One such response may be to request the employee to attend a referral to Occupational Health if a professional medical opinion is felt

necessary. The Headteacher should prepare information about the job and absence record to accompany the letter arranging the medical referral. Occasionally employees are worried about such a referral, but generally this uncertainty results from Line Managers not explaining or reminding colleagues that such a referral is an integral part of the procedure.

Long Term Absence Reviews

Regular contact between the employee and the Headteacher is vital and it is recommended good practice by the British Occupational Health Research Foundation that initial verbal contact is made by the Headteacher or other designated senior leader within the first two weeks of absence and thereafter at least once every two weeks. This should be handled sensitively and be primarily to seek to identify if any support or help can be given at the earliest possible stage. For example, depending on the reason for absence, external agencies could be identified as a source of support or assistance. It would therefore be important to ensure appropriate but sensitive contact is maintained regarding progress towards full recovery so that the Trust can respond accordingly.

In the very rare case of absence where there is clear evidence to suggest that a personal telephone call may be considered inappropriate, managers should seek advice from the Trust's HR Advisor.

Some employees may not welcome contact but it should be explained certain requirements have to be met to try to support the employee as far as possible and of course to maintain eligibility to occupational sickness payments. In these extremely rare cases of avoiding contact perhaps the necessary links can be maintained through an intermediary such as a recognised Trade Union representative, work colleague or other family member. Concerns about such contact may be alleviated if employees understand the various stages of the absence procedure in advance of any illness and therefore will expect contact to be made.

In determining the appropriate response to any absence Line Managers or Supervisors should be considering the following:-

- Nature of illness;
- Length of service
- Operational Priorities - How long can you cover this absence (Cost/Pressure/implications for children and young people);
- Previous warnings/Absence record;
- Where work is allegedly attributed as the reason for absence either through injury or illness.

Careful judgment will be necessary where employees have had lengthy absence either due to the same medical problem or as a result of various illnesses. If Headteachers are unsure of the appropriate steps then advice on possible courses of action should always be sought from the Trust's HR Advisor.

As deemed appropriate throughout the period of absence it may be necessary to require an employee to attend a meeting to discuss their long term absence from work. This meeting would normally be at a work location but in certain circumstances, dependant on the nature of the medical condition, or views of the employee and their representative, this could be held at the employee's home or a neutral location.

The meeting is an opportunity to re-establish face to face communications with an absent employee and to determine an appropriate way forward. There is a Sickness Interview Form to assist school leaders through formal reviews.

The detail of the discussion should include the following:-

- An indication of the likely medical prognosis;
- A formal record of the status of the absence;
- Detail of medication being prescribed;
- Explain next steps e.g;
 - Continue recuperation,
 - Set date for review,
 - Consideration of reasonable adjustments/modifications,
 - Potential for formal visits or phased return to work,
 - Arrange medical.

Following the meeting a letter confirming the discussions held should be sent to the employee.

Rehabilitation to work

It is important for school leaders to consider taking positive steps to re-integrate employees back into work at the earliest available opportunity. This could include consideration of a return to work in a supernumerary capacity to perform some work within the school prior to returning to their job.

This could only be considered where the proposed temporary arrangement was supported by medical opinion and after discussion with the Trust's HR Advisor. It should, for example, be possible in some circumstances for employees seeking to return to work after a lengthy absence to work alongside colleagues or to provide

additional general administrative support. This arrangement should only be for a short period of (no longer than 6 weeks or a half term, whichever is longest) while full rehabilitation into the substantive post is achieved or while awaiting the identification of a suitable alternative job.

It is important that any such supernumerary situation is kept under close review. These arrangements are only suitable in the circumstances where a full return to work is anticipated in the near future and therefore this action can be a positive step to help ease an employee's return to work.

Schools also derive some benefit over this period by their employee returning to work early and therefore should seek to actively explore possible applications of such arrangements. Of course an employee may not recover sufficiently in this designated rehabilitation period or suffer further ill health, which then requires additional absence from work. In limiting the period of rehabilitation to a short period of no more than 6 weeks this should ensure there is no loss of benefit from the Department for Work and Pensions.

One of the hardest steps in respect of long term absence is how the employee can best be rehabilitated into work. It is advisable for the employee, while still certified as absent from work, to have made some short-term preliminary visits to work. These may be initially short visits or meetings but should progressively increase to ensure the employee has the capacity to attend for work on their return and undertake the full range of duties and responsibilities of their post. This should also minimise the potential for a relapse and help the employee come to terms with work after a long spell of absence.

A further step to consider would be the potential for a limited phased return to work. This could incorporate the use of an employee's unused but accrued annual leave (where applicable) entitlement to allow a 3 or 4 day week on receipt of certification that the employee is fit to return to work. This should follow from a planned programme of visits and be restricted to a period of no more than 6 weeks to ensure the return can be sustained.

Adjustments and Modifications

In the light of a "long term condition", which has a substantial and long-term effect on normal day to day activities, Headteachers need to give consideration to potential reasonable modification or adjustment to a job, so that an employee can return to work and continue in their post.

This could for example in the case of recovery from broken bones be for a limited period while full strength is recovered to enable the full range of duties are performed.

In more fundamental restrictions to normal day to day activities the modification or adjustment may become permanent. Advice on these matters should always be sought from the Trust's HR Advisor. The Trust seeks to make balanced judgements in these circumstances and therefore the advice of Human Resources will endeavour to promote a consistency of approach and identify access to potential providers of support.

Alternatively consideration may be given to researching redeployment options into suitable alternative employment in the same or other service.

Redeployment

Redeployment to other work is to be considered a serious potential opportunity to be assessed by Headteachers and the Trust Chief Executive Officer (who has oversight of all academies within the MAT). Such considerations need to have due regard to available posts matched against the skills, qualifications, and capabilities of the redeployed employee. Similarly the suitability of any redeployment will need to have regard to the reason for the sickness absence and the possibility of a recurrence of absence in the future.

Potential opportunities maybe identified by referring to potentially suitable advertised vacancies on the Trust's Vacancy Bulletin.

Redeployment on the grounds of ill health will be on the terms and conditions appropriate to that post.

Recording

Details of any agreement on returning to work in these circumstances should, as should any formal discussion with employees, be confirmed in writing with a copy retained on file together with notes of the interview.

Where a medical opinion is required:-

- a. The Trust's HR Advisor should be requested to make arrangements with the Trust's Occupational Health Service provider;
- b. Line Managers need to prepare a comprehensive and objective information package about the employee's duties and absence record and pass to Occupational Health to inform their consideration of the circumstances;

- c. On receipt of a Medical Opinion after the referral, Headteachers need to meet with their employee to decide on the next course of action as outlined above in the paragraphs above.

If Medical Opinion indicates a return is unlikely to be imminent and that no adjustments or modifications are applicable, it will be necessary to call the employee to an interview. The employee needs to have been made aware at a previous interview that ultimately, if their absence persisted or operational priorities dictated, then a future interview, held after an appropriate timescale for recovery has elapsed, will likely have to give consideration to their continued employment.

Where an employee has had previous absence and/or are in receipt of a Final Written Warning it would be appropriate for Headteachers to make early intervention in the management of the sickness absence. It is expected that employees in the situation of having previous warnings for sickness absence are kept under close review. This could, in the light of further spells or continuing absence, result in a meeting being called at which consideration would be given to the employee's continued employment.

At this interview an explanation of the medical prognosis, balanced against the school and Trust operational priorities, will need to be shared with the employee. It will be appropriate to give an indication at this interview of appropriate incapacity benefits, pensions and associated procedures. In the case of a member of the Local Government Pension Scheme the decision may be that the employee may retire on ill health grounds.

In these cases, if medical opinion confirms the employee has a condition that is deemed permanent and which is preventing the employee from returning to their job, the Trust may, in conjunction with the employee, set in motion the process by which ill health retirement might be obtained. If there is an inconclusive medical opinion or where treatment has not yet resulted in recovery within a timescale that is acceptable to the Trust then even where employees are members of the Pension Scheme a decision will have to be made to issue notice to terminate employment.

The ability to dismiss fairly from employment obviously depends upon the facts of each situation. As outlined previously the employee should be well aware that such consideration is being considered and have been previously issued with appropriate warnings.

A decision to dismiss from employment must only be taken in consultation with the Trust's HR Advisor attending such an interview. A dismissal should be in accordance with the terms of the contract of employment, the Trust's Scheme of Delegation, and confirmed in writing to the employee.

Even if such a decision is taken, subject to their condition continuing or subsequently being deemed permanent by their own consultant, a member of the Local Government Pension Scheme can still establish a retrospective entitlement to their pension benefits.

Employees who are not members of the Local Government Pension Scheme should be issued with notice to terminate their employment, as they will not be eligible to any pension benefits on permanent or frequent ill health that prevents them from performing the duties of their job. They should be made aware that they could be eligible to receive one or more of the range of state benefits.

Employees should be notified that they do have the right to appeal against this decision within 7 days of the date they receive the letter.

Access to Medical Reports Act 1988 - Explanatory Note for Employees

This note sets out your statutory rights under the access to Medical Reports Act 1988 and explains the procedure for applying these rights.

Nexus Multi Academy Trust cannot apply for a medical report from a doctor who has been responsible for your physical or mental health care without your consent. Furthermore, the consent form asks, in accordance with the Act, whether you wish to see the report before it is sent to the Trust.

The Trust (via the employing school/academy, unless centrally employed) will inform your doctor of the fact that they wish to access your medical report and will notify you of the date that the application for the medical report is actually made.

You then have twenty-one days in which you must make arrangements to see the report with your doctor. There is no charge for reading the report but should you request a copy of it from your doctor you may be charged a fee to cover the cost of doing so. When you have seen the report you are entitled to ask the doctor to amend any part of it which you consider to be inaccurate or misleading. If the doctor does not agree to amend the report as requested you will be able to attach a written statement to the report giving your view on its content.

Whether or not you decide to see the report before it is supplied to the Trust, the doctor will be obliged to keep a copy of the report for at least six months after the date it was supplied and you will be entitled to have access to that report.

Please note that the doctor is not obliged to let you see those parts of the medical report that he/she believes would be likely to cause serious harm to your physical or mental health or that of others, or which would reveal information about another person or the identity of a person who has supplied the doctor with information about your health unless that person also consents. In those circumstances the doctor will notify you and you will be limited to seeing any remaining part of the report.

Reports arising from examinations by the District Medical Officer, which may be requested in accordance with your Conditions of Service, would normally fall outside the Act, but it is the practice of the Trust to show such reports to individuals when received.

You are advised to keep this explanatory note for further reference.

Sickness entitlements to occupational pay

Payments made during periods of sickness are usually made up of two elements:

- a) A Statutory Allowance which is usually Statutory Sick Pay (SSP)
- b) The Authority's Occupational Sick Pay (OSP)

Occupational Sick Pay

Subject to your satisfactory completion of the requirements of the Trust's Occupational Sickness Payments Scheme you will be entitled to receive sick pay as detailed in the table below.

During 1st year of service	1 months full pay and (after completing 4 months service) 2 months half pay
During 2nd year of service	2 months full pay and 2 months half pay
During 3rd year of service	4 months full pay and 4 months half pay
During 4th and 5th year of service	5 months full pay and 5 months half pay
After 5 years' service	6 months full pay and 6 months half pay

Statutory Sick Pay is a flat rate payment made to employees who are off work because of sickness, based on average earnings and is paid as part of the normal gross pay in the relevant week/month.