

LT2 Managing Sickness and Absence Policy

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This policy applies to all employees of the Trust. It does not form part of any employee's terms and conditions of employment and is not intended to have contractual effect. It is provided for guidance only and the Trust reserves the right to amend its content at any time.

This policy should be read in conjunction with the Sickness Absence and Sick Pay Policy. There are four key aims of this policy:

- To understand the causes of any absence and the effect it may have/will have on the employee's ability to carry out their job function effectively
- To provide support to employees to help them manage their health, work or welfare problems, including work-related stress
- To explore any options which could help employees to improve attendance and/or facilitate their return to work
- To outline the key stages of an absence management process and the potential outcome(s) In addition, the Trust will bear in mind:
 - Employees' rights to medical confidentiality
 - Employees' expectation of fair and consistent treatment

The Trust recognises that different approaches may be required, depending on the nature of employees' absences. The procedure to be followed in the case of an acute or long-term medical problem ("long term sickness absences") is set out in paragraph 3 of this policy. The procedure to be followed in the case of persistent, intermittent short-term absenteeism ("short term intermittent absences") is set out in paragraph 4 of this policy.

In the event of a pandemic the Trust will follow guidance provided by the Government and Public Health England and where required will adjust our processes accordingly

Schedule of Responsibilities

The CEO of Learning Today leading Tomorrow Trust (LT2) takes overall responsibility for the implementation of policies and procedures and to provide reports as appropriate to Trustees in relation to this policy.

Headteachers of LT2 schools and their Senior Leadership Teams will take active steps to promote good practice under this policy and review and monitor the management and implementation of this policy and practice in their Trust. They will identify training needs, ensuring competence in those staff who are responsible for and involved in the operation of this policy and associated guidance.

Teachers and other supervisory roles will, where required, conduct formal meetings, undertake relevant training in

relation to this policy and ensure effective and competent operation of this policy.

All employees are required to cooperate fully and positively with the requirements of this Policy and to undertake any training recommended by their line manager.

The Trust's Head of HR is responsible for providing advice and guidance under this policy and reviewing and updating the policy as required; ensuring continuing compliance in line with any developments in employment legislation, good employment practice and other LT2 policies. The Trust's Head of HR may be requested to provide data for regular Trust Board HR reports where appropriate, providing confidential reports as required by the CEO and LT2 Trust Board on individual cases.

The following persons will generally be responsible for managing employees under this policy:

- Designated Line Managers
- The School Business Manager (for non-educational support staff)
- The Trust Headteacher (for Trust based teaching and educational or non-educational support staff)
- The Chief Executive Officer (for Trust Headteachers and centrally appointed teaching and support staff)

Responsibilities of Employees

All employees have a responsibility to:

- Attend work when fit to do so and not incur sick leave unless medically unfit to attend work or remain at work
- Report their sickness in accordance with this procedure
- Inform their Headteacher/Line Manager as soon as possible of any changes in their condition that affects their ability to do their job or alters the timescales for their return to work
- Leave contact details when off work due to sickness and be available to attend meetings about their absence;
- Submit statements of fitness to work (fit notes) promptly
- Complete a Sickness Self Certification form following each period of sickness absence
- Attend appointments arranged with management or the Trusts designated Occupational Health provider as part of this procedure
- Meet with their Headteacher/Line Manager when requested to discuss their absence

Employees must notify the Headteacher if an infectious disease occurs in the home where the employee is living and await advice from the Headteacher as to whether they should refrain from school duties (following advice from the

Occupational Health provider). The employee should expect to continue school duties pending receipt of instructions from the Occupational Health provider except in the event of a notifiable disease.

Responsibilities of Management

Headteachers/Line Managers are responsible for:

- Regularly reviewing the level of sickness absence and applying the provisions of this policy when sickness absence is unsatisfactory or when health concerns are impacting on performance
- Treating all employees individually, consistently, with dignity, sensitivity and in confidence, striving to ensure their health and welfare
- Contacting employees on their return from sick leave in order to discuss their absence, ensuring that Return to Work forms are completed and take any other action as appropriate
- Contacting employees who have not reported their absence as required
- Maintaining regular contact with those on long term sick leave
- Referring employees to the Occupational Health provider for a medical assessment where appropriate;
- Dealing fairly but firmly with employees whose level of sickness absence is unsatisfactory

Where the employee has returned and there are concerns about their fitness to take up their duties, this should be raised, where appropriate. This may include placing the teacher on special leave pending confirmation from Occupational Health of their fitness to resume duty. Headteachers/Line Managers are also responsible for ensuring that the Education (Teachers) Regulations are applied and that a teacher (or other employee) working with children and young persons should not continue in their post if the person does not have the health or physical capacity to perform the duties of the post.

Disabilities

We are aware that sickness absence may result from a disability. At each stage of this policy, particular consideration will be given to whether there are reasonable adjustments that could be made to the requirements of a job or other aspects of working arrangements that will provide support at work and/or assist a return to work.

The Trust may also adjust the process where appropriate to accommodate the employee's disability with any of the following;

- trigger points may be adjusted
- meetings may be held off-site or by telephone
- while no right to accompaniment applies at the informal stage of the process, the Trust may extend this

right in appropriate circumstances

- employee's may be permitted to bring a companion who is not a work colleague or union representative (for example, a family member) where this will help overcome particular difficulties caused by a disability; or
- the Trust may, in appropriate circumstances, elect not to impose disciplinary warnings in relation to disability related absence. This shall not however prevent the absence management procedure from moving to the next stage

If the employee considers that they are affected by a disability or any medical condition which affects their ability to undertake their work, the employee should inform their Line Manager.

Relevant Considerations

In implementing this procedure, Headteachers/Line Managers will give due consideration to:

- employees who are pregnant; have recently given birth, are undergoing gender reassignment or are suffering a terminal illness
- absence which is due to a one-off operation or illness
- employees with identified mental health conditions e.g. depression etc.
- absence due to a recognised industrial injury sustained whilst working for the Trust
- employees' previous work record and attendance history
- the need to redeploy someone specifically into a different work environment (if possible) either due to medical reasons or as a result of particular employee relations issues
- the specific requirements relating to the continued employment of or return to work by teachers suffering from pulmonary tuberculosis, epilepsy or psychiatric disorder.

Timescales and Definition of a Working Day

For the purposes of the operation of this Procedure, timescales are expressed in working days. In the case of teachers or other staff that work a term time pattern, a working day should be regarded as a day that the Trust is open for pupils. For staff that work all year round, a working day should be regarded as a day that they would normally be required to attend for work. Where a sickness case arises just before a school holiday, arrangements to resolve the matter speedily should be discussed between the parties. An intervening school holiday should not of itself be a cause for an undue delay in resolving the case.

Meetings under this Policy

Meetings under this policy will be arranged during the employee’s normal working hours, and therefore the employee should be available to attend, and must take all reasonable steps to do so. Failure to do so without good reason may be treated as misconduct. The following applies to all formal meetings:

- The Trust will give the employee at least three days written notice of meetings. The notice will confirm the time, date, place of meeting and the reason for it being held
- The outcomes of the formal meetings and reviews will be confirmed in writing
- Meetings will be conducted by the Line Manager or a more senior leader
- All employees will have the right to be accompanied by a work colleague or an accredited trade union official at any of the following meetings:-

Short Term Intermittent Absences	Long Term Sickness Absence
First Absence Review Meeting	Formal Absence Review Meetings
Second Absence Review Meeting	Consideration of Dismissal Hearing
Final Absence Review Meeting	Appeal Hearing
Consideration of Dismissal Hearing	
Appeal Hearings	

If the meeting is one at which the employee is entitled to be accompanied, and the companion is unavailable to attend at the time specified, the employee should immediately inform the Line Manager who will seek to agree an alternative time within a reasonable period (normally 5 working days). If this is not possible, the employee would be expected to find an alternative companion.

- Being signed off by a GP as unfit to work does not mean that the employee is unfit to attend a meeting. Unless the nature of the employee's ill-health is such that they are unable to, the employee would normally be expected to attend
- A meeting may be adjourned if the Line Manager is awaiting receipt of information, needs to gather any further information or give consideration to matters discussed at a previous meeting. The employee will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened
- Confirmation will be given to the employee in writing as soon as reasonably practicable following a sickness absence meeting of:-
 - The issues discussed
 - Any decisions made or actions agreed at a meeting
 - The reasons for such
 - Any measures or support agreed
 - The consequences of failure to improve
 - Any right of appeal

Early Informal Action

Return-to-Work Discussion

Return-to-work discussions enable the Trust to confirm the details of the employee's absence. It also gives the employee the opportunity to raise any concerns or questions they may have, and to bring any relevant matters to attention. The Headteacher/Line Manager should contact the employee as soon as possible following every return from sickness absence. This will take the form of a structured meeting called a Return-to-Work Discussion. If there is concern about the pattern of absence or health, this should be raised informally with the employee at the earliest opportunity.

Where short-term intermittent absence is a concern, managers may require employees to produce a statement of fitness to work for each period of absence. If agreed in advance by the Headteacher, reasonable costs incurred by the

employee for doing so will be reimbursed upon production of a receipt.

Underlying Medical Conditions and Reasonable Adjustments

Where the employee has an underlying medical condition appropriate consideration will be given to: job redesign; temporary adjustment to duties or workload and/or a phased return to work on full pay. These, and other reasonable adjustments, will also be considered for employees with a disability.

Managing Short Term Intermittent Absence

The following paragraphs set out our procedure for dealing with short-term intermittent absences. When considering the absence levels of any employee, the Trust will have regard to absences for both sickness and non-sickness related reason. The purpose of the procedure is to investigate and discuss the reasons for the employee's absence. Consideration will also be given to whether these short-term intermittent absences are likely to continue and whether there are any measures that could improve the employee's health and/or attendance. We may decide that medical evidence, or further medical evidence is required before deciding on a course of action. The Trust will also give serious consideration to the impact that the employee's absences are having on the students, colleagues and the wider school community as a whole and will give consideration as to how to reduce any such impact and whether, as a result of any such impact, the employee's level of absence can be sustained by the Trust.

Trigger Points

The purpose of the Trust specifying trigger points is to enable the Line Manager to take prompt action to deal with absence, alert employees that their level of absence is causing concern and identify potential problems and to deal with them effectively before they escalate.

It is not always necessary for a trigger point to be reached before action is taken. The Line Manager may take action at any time, (for example, referring the employee to Occupational Health) if they have concerns about an underlying cause of sickness and/or there is a significant impact on the service.

The Trust's current trigger points are:

- either five or more working days absence in the preceding 12 months; or
- three or more absences of whatever length within the preceding three months; or
- any pattern of part day absences, absences on certain days (e.g. Mondays or Fridays) or known "busy" days;
or
- above average absence levels for the Trust
- no adequate reason given for the absence

First Absence Review Meeting

When the employee meets a trigger point or the Trust otherwise considers that the employee's absence level is a cause for concern, the employee may be asked to attend a First Absence Review meeting with their Line Manager.

The basis for the Trust's concerns about the employee's absence levels and the reason for the meeting being called will be confirmed in writing. A reasonable opportunity for the employee to consider this information before a meeting will be provided.

The purposes of the First Absence Review meeting will be to discuss the reasons for the employee's absences, whether further absences are likely to occur and whether there is a medical link between the reasons for absence, which may result in the Trust benefiting from obtaining a medical report, and whether there are any measures that could improve the employee's health and/or attendance.

We will discuss with the employee:

- the reason for absences
- the anticipated duration of any further absences
- the treatment and care they have received
- any medication taken and any expected side effects
- whether it is necessary for the Trust to consider taking reasonable measures to assist the employee in the workplace and to minimise the occurrence of repeated absences
- whether medical evidence is required to assess the employee's fitness and if any changes are necessary to assist them;
- whether the employee should be referred to the Occupational Health Unit
- what improvement is required in the employee's attendance pattern
- targets to improve the employee's attendance, if necessary, over a set period of time known as 'Review Periods'

Review periods may be used to monitor absence formally during a set period of time. The length of this time will be determined in the Absence Review Meeting and targets will be set in order to see improvement. The employee's absence will be monitored during this period by their Line Manager or Head Teacher. If during or at the end of the review period, the required improvement has not been made or further concerns arise then the Trust may decide to move straight to the Final stage.

If the employee meets their attendance target during the review period set at the First Absence Review meeting, the Trust will arrange a meeting with the employee to discuss this at the end of that review period and the procedure may be brought to an end. However, the above trigger points will continue to apply and if the employee reaches another trigger point the Trust may decide to recommence this procedure at this stage, without repeating the First Absence Review meeting.

Second Absence Review Meeting

If the employee has been unable to meet their attendance targets during the review period set at the First Absence Review meeting, they will be invited to a Second Absence Review meeting. The purpose of the Second Absence Review meeting will be to review the discussions from the First Absence Review meeting and consider why further absences were required.

We will discuss with the employee:

- the reasons for and impact of their absences on the students, colleagues and the wider school community as a whole, and what support they believe the Trust could offer to reduce the impact of their absences;
- if they have met the targets set at the First Absence Review meeting
- the anticipated likelihood and duration of any further absences
- consider any available medical evidence or whether medical evidence is required
- any measures which were put in place following the First Absence Review meeting to assist them in the workplace to minimise the occurrence of repeated absences, and why those measures may not have been successful, and whether alternative measures could be put in place that could improve their health and/or attendance. This may include consideration of adjustments that can reasonably be made to assist the employee in their current role, or any possible redeployment opportunities
- their ability to remain in their job in view of their capabilities and the Trust's operational needs
- action that will be taken and a time-scale for review and / or a further meeting

This may, depending on steps that have already been taken and the nature of the absence(s), include a first written warning.

The employee can appeal against a decision to give a written warning. Details of how to do so are set out below. If an appeal is upheld, a further review meeting will be set up and the procedure will be resumed at the Second Absence Review meeting stage.

If the employee meets their attendance target during the review period set at the Second Absence Review meeting, the Trust will arrange a meeting with them to discuss this at the end of that review period and this procedure may be brought to an end. However, the above trigger points will continue to apply and if they reach another trigger point the Trust may decide to recommence this procedure at this stage, without repeating the First or Second Absence Review meeting.

Final Absence Review Meeting

If the employee has been unable to meet their attendance targets during the review period set at the Second Absence Review meeting, they will be invited to a Final Absence Review meeting. The purpose of the Final Absence Review meeting will be essentially the same as the purpose of the Second Absence Review meeting, and the same issues may be discussed. However, depending on the steps that have already been taken and the nature of the absences, this may include a final written warning being issued. The employee will also be warned that a failure to meet the attendance targets set at the Final Absence Review meeting may place them at risk of dismissal.

The employee can appeal against a decision to give a written warning. Details of how to do so are set out below. Where an appeal is upheld, a further review meeting will be set up and the procedure will be resumed at the Final Absence Review meeting stage.

Consideration of Dismissal Hearing

If the employee has been unable to meet their attendance targets during the review period set at the Final Absence Review meeting, they will be invited to a Consideration of Dismissal hearing.

Alternatively, in exceptional instances the Trust may receive clear Occupational Health advice that the likelihood of continued high absence levels means that the Trust would consider it appropriate to commence the process at this Consideration of Dismissal stage, without it being necessary to conduct the First, Second or Final Absence Review meetings.

The purpose of the meeting will be:

- To review the meetings that have taken place and matters discussed with the employee
- To discuss the impact that the employee's absences are having on the students, colleagues and the wider school community as a whole, the steps the Trust has taken to reduce that impact and whether these steps can be maintained
- To consider whether there have been any changes since the last meeting under this policy, either as regards to likelihood of further periods of absence or opportunities for redeployment into a role which would be less impacted by the employee's absences than their current role
- To consider any further matters that the employee may wish to raise
- To consider whether there is a reasonable likelihood of the employee achieving the desired level of attendance in a reasonable time
- To consider whether the employee may be eligible for retirement on ill-health grounds

- To consider the possible termination of employment, having considered whether the employee's high absence levels can continue to be sustained by the Trust, taking account of the impact of those absences.

Any such consideration will be by the Line Manager. In the case of proceedings involving the Headteacher, consideration will be by a panel of Trustees.

The grounds for consideration of dismissal will be that the employee is incapable of meeting the Trust's expectations regarding attendance levels and that their absences are having an unsustainable impact on the students and/or colleagues and/or the wider school community as a whole.

Any dismissal will be on notice or payment in lieu of notice.

The employee will have the right to appeal against any decision to terminate their employment. This is detailed below. The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity or pay.

Managing Long Term Sickness Absence

The following paragraphs set out our procedure for dealing with long-term sickness absence. The purpose of the procedure is to investigate and discuss the reasons for the employee's absence, whether it is likely to continue or recur and whether there are any measures that could improve their health and/or attendance. We may decide that medical evidence, or further medical evidence, is required before deciding on a course of action.

Fit For Work Service (FFW)

FFW is a government-funded occupational health assessment service. The service is intended to assist employees return to work, using a return-to-work plan where appropriate. If the employee wants to know more about FFW, they should please speak to their Line Manager.

Once the employee has been absent for four weeks, either we or the employee's doctor may suggest referral to the FFW. The employee's doctor may do this before they have been absent for four weeks if they think it would be beneficial for them.

If the employee's doctor refers them to FFW, the employee should let their Line Manager know, unless the employee would prefer not to tell us. If the employee's case manager at FFW wishes to speak to us, the employee should please ask them to contact their Line Manager.

Referrals to the Occupational Health Unit

The Trust has access to an Occupational Health service which provides an independent, impartial advisory service. They are responsible for the provision of clear medical advice to Headteachers/Line Managers about the individual cases referred to them and the Trust may use this to obtain expert medical advice:

- To provide appropriate support to employees.
- To aid decision-making in sickness absence cases.

The OHS advises on but does not make decisions about the employee's continuing employment, redeployment or future deployment.

Under the Access to Medical Reports Act 1988 the employee's consent is required to authorise their medical adviser to release medical information to the Occupational Health Service. Headteachers/Line Managers should obtain this when requesting employees to complete a consent form when the referral decision is taken. If the employee withholds their consent, then this will limit the services ability to give as full advice as possible. However, decisions will still be made in light of the advice obtained.

The Trust may refer the employee to the Occupational Health service at any point if they are concerned about the impact of the employee's health on their work or attendance. Referrals will also take place at appropriate points throughout the process set out in this policy.

Occupational Physicians Report

Following assessment, the Occupational Health Physician will provide a written report detailing their opinion and recommendations as appropriate. This may include:

- An opinion about fitness to work
- A prediction about the likelihood of a return to work
- An opinion about whether work factors or hazards have contributed to ill-health or absence and how these could be modified
- Recommendations about restrictions or modifications which could be made in job content or arrangement
- Advice about fitness for alternative duties
- Suggestions regarding help or support which could be offered by the Trust or other agencies
- Advice about the necessity of further assessment or monitoring
- An opinion about whether or not the employee should be classified as disabled
- a referral to the Final Stage if the matter is sufficiently serious and the employee is unable to return to work within a reasonable timeframe, taking into account service needs

A copy of the written report will be provided to the employee by OHS.

Welfare Meeting

The purposes of a welfare meeting will be to discuss the reasons for the employee's absence, how long it is likely to continue, whether it is likely to recur, whether to obtain a medical report, and whether there are any measures that could improve their health and/or attendance. Such a meeting will usually be arranged after a continuous period of 4 or more weeks absence; however, this can be arranged sooner if either party consider it beneficial to do so.

We will discuss with the employee:

- The reason for their absence
- The anticipated duration of their absence
- The treatment and care they are receiving

- Whether it is necessary for the Trust to consider taking reasonable measures to facilitate their return to work
- Whether medical evidence is required to assess their fitness to return to work and if any changes are necessary to assist them, having regard to any Return to Work plan prepared by FFW
- If their continued absence may lead to a formal absence review
- A timescale for review

The aim of this meeting will be to seek to agree a return-to-work program, possibly on a phased basis and consideration will be given to the above discussions to determine whether such a program can be agreed, and if so, the various aspects of that program, for example, a return to work date, the support measures that the Trust can put in place on a temporary or permanent basis and any dates for review which may be appropriate.

Formal Absence Review Meetings

If after a reasonable time, which would usually be discussed with the employee during the welfare meeting, they have not been able to return to work, we will hold a Formal Absence Review meeting.

The purpose of the Formal Absence Review meetings will be to discuss the following:-

- the reasons for and impact of their absence
- the anticipated duration of their absence
- if it has not been obtained, whether medical evidence is required. If it has been obtained, the advice that has been given and whether further advice is required
- whether it is necessary for the Trust to consider taking reasonable measures to facilitate their return to work, which may include consideration of adjustments that can reasonably be made to assist them in their current role, or any possible redeployment opportunities
- their ability to return to their job in view of their capabilities and the Trust's operational needs
- whether the Trust needs to notify the employee that they may be at risk of dismissal if they are unable to return to work within a reasonable timeframe
- action that will be taken and a timescale for review and/or a further meeting

The number of Formal Absence Review meetings required for this process will largely be determined by the content of any medical evidence obtained, and the employee's personal circumstances. However, if it becomes clear that they will either be unable to return to work within a reasonable timeframe, or if they are no longer able to carry out their contracted duties and consideration has been given to any adjustments or possible redeployment opportunities

without success, the Trust will arrange a Consideration of Dismissal Hearing.

If a return to work or normal duties within the time specified above is achieved the employee will be advised in writing and reminded of the need to sustain the improvement.

Consideration of Dismissal Hearing

Where the employee has been notified that they are at risk of dismissal, and the situation has not changed significantly, we will hold a Consideration of Dismissal Hearing to consider the possible termination of their employment.

Before we make a decision, the employee will be consulted fully and we will consider any matters they wish to raise and whether there have been any changes since the last meeting.

Any such consideration will be made by the Line Manager. In the case of proceedings involving the Headteacher, consideration will be by a panel of Trustees.

The purposes of the hearing will be:

- To consider whether there have been any changes or developments since the last meeting under this policy, either as regards to their possible return to work or opportunities for return or redeployment
- To consider the most up to date medical evidence
- To consider any further matters that they wish to raise
- To consider the following options:
 - whether there is a reasonable likelihood of them returning to work or achieving the desired level of attendance in a reasonable time
 - Where there are any reasonable options for redeployment on medical grounds (where redeployment is an option identified by Occupational Health)
 - Premature retirement
 - Whether there is reasonable cause for ill health retirement
 - Possible termination of their employment

In exceptional circumstances, such as new information becoming available, the panel may set a final review period of 3 working months (during which the employee's attendance will be monitored on a monthly basis) and issue a final caution that employment is at risk unless a satisfactory improvement is made. If the required improvement is not met, the panel will reconvene to consider giving the employee notice of dismissal.

The grounds for consideration of dismissal will be that the employee is incapable of fulfilling their duties by reason of

continued absence(s).

Any dismissal will be on notice or payment in lieu of notice except where the employee has exhausted their contractual sickness pay and they remain absent from work.

The employee will have the right to appeal against any decision to terminate their employment. This is detailed below.

Appeals

The employee can appeal any written warning or decision to terminate their employment, within 10 working days of receiving written confirmation of such a decision, to the CEO for school based employees and the Trust Board Chair for Trust staff setting out the grounds and basis for the appeal.

Appeals will usually be conducted and determined by a panel of three members of either Trust employees or the Trust Board.

The employee has the right to be accompanied by a work colleague or an accredited trade union official at any appeal meeting and will be given a full opportunity to state his or her case and put forward his or her version of events.

The appeal hearing will be minuted by a note taker and the employee will be supplied with a copy of the minutes as soon as is reasonably practicable after the hearing.

No decisions will be reached during the hearing itself. The Trust will need to consider all the evidence together with the representations the employee has made, and in some cases may need to carry out further investigations before a decision can be reached.

Employees may appeal on the following grounds:

- a. the proper procedure was not followed and the appeal panel will consider whether this materially affected the decision
- b. the decision reached was unreasonable considering the information provided
- c. new evidence has become available

Unauthorised Absence

Absence that has not been notified according to the sickness absence reporting procedure will be treated as unauthorised absence.

Cases of unauthorised absence will be dealt with under our Disciplinary Procedure.

If, at any time, the Line Manager considers that the employee has taken or is taking sickness absence when they are not unwell, the Line Manager may refer matters to be dealt with under our Disciplinary Procedure.

III Health Retirement

Where the relevant employee is a member of the LGPS or the TPS, the Trust will consider Ill-Health Retirement before making any recommendation for dismissal.

For all staff, the Line Manager should normally have met with the employee and their representative to discuss the options including the Ill-Health Retirement process.

The Occupational Health Physician may provide an opinion about whether or not an individual meets the criteria for Ill-Health Retirement. There may be employees who are on prolonged sick leave with no prospect of returning to work within a foreseeable date but who do not meet the criterion of permanent incapacity. (The Occupational Health Physician will follow guidance developed by the Association of Local Authority Medical Advisers on Ill-Health Retirement).

If Ill-Health Retirement is confirmed by Occupational Health the Line Manager will confirm the decision in writing.

Teachers

The Teachers' Pension Scheme allows the ill health retirement process to be instigated by the teacher themselves. Teachers who may be eligible to apply for ill health retirement should initially advise their Line Manager of their situation.

A teacher who contributes to the Teachers' Pension Scheme is able voluntarily, at any age, to apply to the Teachers' Pensions for an infirmity benefit. The teacher will be notified by the Teachers' Pensions whether infirmity benefit will be granted. Following a decision by Teachers Pension Scheme the retirement will take effect as soon as possible.

Sickness Absence and Annual Leave

While it is recognised that during a period of sickness absence, time away from home for example going on holiday or visiting family may be therapeutically helpful, the employee is required to seek prior approval from the Trust. A decision to take time away from home during a period of sick leave without giving prior notice to the Trust may result in a loss of the employee's Occupational Sick Pay during that period.

If, during a period of sick leave the employee would prefer not to be contacted by the Trust or required to attend meetings as part of this procedure for a period of time, we can discuss treating that period as annual leave or unpaid leave, at the Trust's discretion.

Please note that the requirements in the employee's contract regarding requesting annual leave will continue to apply

during any period of sickness absence.

Sick Pay and Entitlements

Sick pay will include, where appropriate, Statutory Sick Pay (SSP), and will not exceed full pay.

If a period of sickness absence is, or appears to be, occasioned by actionable negligence, nuisance or breach of any statutory duty on the part of a third party, in respect of which damages are or may be recoverable, the employee must immediately notify the Head of HR of that fact and of any claim, compromise, settlement or judgment made or awarded in connection with it and all relevant particulars that The Trust may reasonably require. If The Trust require the employee to do so, they must cooperate in any related legal proceedings and refund to us that part of any damages or compensation they recover that relates to lost earnings for the period of sickness absence as The Trust may reasonably determine, less any costs the employee incurred in connection with the recovery of such damages or compensation, provided that the amount to be refunded to us shall not exceed the total amount The Trust paid to the employee in respect of the period of sickness absence.

Provided that employees have followed the correct procedures, they will be entitled to receive an allowance in accordance with the following scales:

Sick Pay Entitlement for Teachers

Within any span of 12 months, commencing 1st September each year, a teacher may receive an occupational sickness allowance in accordance with:

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

Sick Pay Entitlement for Support Staff

Within any span of 12 months, the employee may receive an occupational sickness allowance in accordance with:

During 1st year of Service	1 month's 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	6 months' full pay and 6 months' half pay
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Where staff are ill immediately preceding the School holiday and:

- Are on full sick pay they will continue on full sick pay, but the closure period is not counted against their entitlement. Or;
- Are on half sick pay; they will continue on half sick pay, but the closure period is not counted against their entitlement. Or;
- Have exhausted sick pay entitlement and are not receiving any pay this will continue
- When staff have been ill immediately preceding a Trust closure period and their doctor declares them fit to return to work during that period, they will receive full pay from that date, provided they return to work on the first day after that period of closure
- The exception to this is if the staff member is declared unfit again so that they are unable to start the next term at work

Calculation of Sick Leave and Sick Pay

For the purpose of calculating entitlement to sick leave, the year shall be deemed to begin on 1st September of each year and end on 31st August of the following year. In the case of a teacher whose service commences on a date other than 1st September, such service shall be deemed, for the purpose of this scheme, to have commenced on the preceding 1st September, subject to the completion of four calendar months' actual service before half-pay can be claimed. In the case of a teacher who is absent owing to illness on 31st August of any year, such a teacher shall not begin the new entitlement to sick leave in respect of the following year until they have resumed teaching duties, the period from 1st September until the return to duties being deemed to be part of the preceding year for the purpose of this scheme. In the case of a teacher transferring from another LT2 school, any sick pay paid during the current year by the previous school shall be taken into account in calculating the amount and duration of sick pay payable by the Trust.

Whilst sickness during Trust holidays will not affect the period of entitlement to sick leave, where employees become ill during the school closure, they must report this sickness in the usual way, so that SSP can be paid where applicable.

Sick pay will be paid less any SSP or state benefits to which employees may be entitled as a result of their sickness, whether or not they have taken the necessary steps to obtain them.

In the event of employees being given notice of the termination of their contract without returning to work, on the ground of permanent incapacity or for some other reason, they will receive full pay for the notice period with deductions as set out above.

If the Trust is of the opinion that the disability which has caused the employee absence from work is due to their own misconduct or have been guilty of conduct prejudicial to their recovery, the payment of any sick pay under the scheme may be suspended by The Trust. Employees will be told the reason for this and have a right of appeal.

Sick pay shall not be paid in the case of an accident due to active participation in sport as a profession unless the Trust by resolution decides otherwise, though SSP may be payable.