



ASPIRATIONS

ABSENCE MANAGEMENT POLICY

Version control	
Absence Management Policy [2019-09-01]	Update to align with revised job titles and changed governance arrangements.
AAT Absence Management Policy [2019-06-01]	Provisional review undertaken. No changes other than to logo.
AAT Absence Management Policy [2016-09-01]	<p>This Policy has been subject to consultation with the recognised trade unions but has not been jointly agreed. Despite the absence of joint agreement about the Policy, The Trust has decided to implement the Policy with effect from 1 September 2016.</p> <p>Previous version control information is included in "consultation version 2016-04-05" available from the Trust's Director of HR. Version 2016-09-01 includes amendments to paragraphs 2.3.1 and 4.2.6 arising from representations by the union side at the July 2016 NJC meeting.</p>

Date of next review:	September 2021	Owner:	Director of HR & Compliance
Type of policy:	Network	Approving Body:	Board

Part 1 – General Policy

1.1. Introduction

1.1.1 The Aspirations Academies Trust (Aspirations/the Trust) is committed to creating a positive working environment. Employees who are absent from work due to ill-health need to be treated with consideration and respect and managers should make every effort to assist staff in their recovery and return to work. The needs of the individual suffering from ill-health must however be balanced against the needs of the academy and the pupils and therefore, it is essential that sickness absence and incapability due to ill-health are managed effectively.

1.2. Purpose

1.2.1 The purpose of this policy is to enable managers to manage sickness absences in a way, which is fair and consistent and complies with employment, education and other relevant legislation.

1.3. Scope

1.3.1 This procedure applies to all permanent and temporary employees of the Trust other than those whose appointment remains subject to probation, for whom a probation review procedure will normally apply.¹

1.3.2 Staff subject to probation will be required to follow this procedure for reporting sickness absence. However, the continuance of their contract will be reviewed in the light of their actual attendance (with due regard for other relevant factors such as if the employee has a disability).

1.3.3 The general principles for resolving absence problems are the same for teaching and operational staff.

1.3.4 It is recognised that in some cases the underlying reason for absence is a matter of exceptional sensitivity (e.g. in cases where there is a terminal illness). When dealing with such a case the Principal may decide, after consulting with the Director of HR and Compliance, that appropriate adjustment shall be made to the normal application of the Absence Management Policy, to take account of the particular circumstances.

1.4. Equal Opportunities

1.4.1 The absence management procedure must always be applied fairly and in accordance with employment law and the Trust's Equal Opportunities Policy.

1.4.2 There may be circumstances where sickness absences are related to a disability, as defined under the Equality Act 2010. Where this is a possibility, specialist advice should be obtained (e.g. from Occupational Health) and reasonable adjustments to the individual's working systems or environment that may be appropriate should be considered. Under the Equality Act, employers have a duty to make 'reasonable

¹ Generally the policy is written in the perspective of dealing with a case concerning an Aspirations employee within an academy. For Aspirations staff other than those based in academies any reference to "academy" should be read as being in respect of the establishment within which they work (e.g. the central management team). Equally where the employee is a member of an academy SLT or of the central management team, appropriate alternative arrangements to those shown in this document may be necessary in terms of the manager responsible for dealing with a particular case (e.g. responsible for conducting Review Meetings) and the composition of panels for contractual review and appeal processes.

adjustments' where any aspect of working arrangements (including premises) places a person with a disability at a substantial disadvantage.

1.4.3. It is acknowledged that disability is by no means generally synonymous with ill-health or absence from work, however, guidance recognises that some people with a disability will have conditions, which are from time to time relevant in terms of sickness absence management.

1.4.4. The Equality Act defines a person with a disability as a person with a physical or mental impairment, which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

1.5. Confidentiality

1.5.1 Information about sickness absence must be handled carefully and in accordance with the Data Protection Act 1998 to ensure that sensitive details remain confidential.

1.6. Responsibilities

1.6.1 Aspirations is responsible for maintaining a policy relating to staff sickness absence that is fair and complies with relevant legislation. Accordingly it shall arrange for the Absence Management Policy to be reviewed periodically consulting as appropriate, including with unions in accordance with the Trust's Trade Union Recognition Agreement (also see 1.7). The Trust shall also undertake measures to ensure the policy is appropriately and consistently applied across all Aspirations academies (e.g. training and/or access to specialist professional support).

1.6.2 Within each Academy, The Principal, in conjunction with the Regional CEO, has overall responsibility for the internal organisation, control and management of the Policy in their Academy.

1.6.3 Managers whose role incorporates management of staff will work in accordance with the Policy in dealing with the sickness absences of staff within their span of control.

1.6.4 All staff are expected to maintain a good record of attendance and be absent due to sickness only in circumstances where a medical condition makes them unfit for their duties. Staff are also required to report sickness absence in accordance with the requirements of this Policy and any other procedures/instructions issued to supplement the Policy.

1.7. Review

1.7.1 This Policy will be reviewed at least every two years in consultation with the recognised trade unions.

Part 2 – Model Procedures for Reporting Sickness Absence

2.1. Reporting Procedures

2.1.1 It is important that all staff absent from work due to sickness follow the procedure set out below to report their absence to the Academy. Any persistent failure to follow the procedure by an individual could result in action being taken in accordance with the Disciplinary Policy.

2.1.2 Employees should report sickness absence to their line manager or other nominated person as soon as possible on the first day of absence, before the normal starting time

(or the time agreed within the Academy) on the first day of absence. This should be done in person and not by a third party unless the employee is incapacitated.

2.1.3 The employee should state

- the reason for their absence (i.e. the nature of their medical condition)
- the estimated period of absence

Information received will be treated as confidential in accordance with paragraph 1.5 of this policy.

2.1.4 The employee, where possible, should alert someone in their department of any urgent work expected to arise during their absence.

2.1.5 On the fourth day of absence they must again notify the Academy and their manager or nominated person, verifying the nature of their illness and their expected date of return to work. The fourth day is regarded as the third calendar day after the first day of absence. If the 4th day falls on a day the Academy is closed (e.g. at the weekend or on a public holiday) notification must be made as soon as possible the next working day.

2.1.6 Unless equivalent administrative processes have been implemented at their particular academy (e.g. self-certification via email communication), on return to work the employee is required to complete the self-certification sickness absence form, which is to be signed by their line manager and passed to the Academy's designated sickness absence administrator.

2.1.7 The Academy is expected to maintain regular sensitive contact with employees who are absent from work owing to illness. This contact is intended to be constructive and supportive.

2.1.8 If an absence lasts for more than seven consecutive days (including weekend and public holidays) a doctor's medical certificate must be obtained. This is expensed by the employee and must be forwarded to their manager without delay.

2.1.9 However, Aspirations reserves the right to request a doctor's certificate for absences from work for periods of less than one calendar week. Should a cost be incurred then the employee will be reimbursed in full for this.

2.1.10 Where the medical certificate does not cover the first seven days of the illness, employees will be required to complete a self-certification form for that period (or equivalent process which may be applied at a particular academy, e.g. through email communication).

2.1.11 If the employee has stated an intention to return to work on a certain date, but finds that they are unable to do so, a further explanatory telephone call must be made to their manager or nominated person.

2.1.12 Should the absence continue, the medical certificates should be submitted on a regular basis. The employee must submit medical certificates to their manager or nominated person at regular intervals covering their periods of sickness consecutively.

2.1.13 As appropriate, an employee may be referred to the Academy's Occupational Health (OH) Adviser for medical assessment. Written permission will be required from an employee to contact their doctor for a medical report, and they have the right to see this report and query items in it before it is sent to the Academy's OH Adviser. The Academy will pay the cost in full for any medical report required through the OH referral process. Referrals to OH will generally be made in circumstances where the relevant

manager, having received HR advice, considers it would be helpful in the management of an absence. Examples of the circumstances where OH advice may be helpful include: where an absence is expected to last for longer than two weeks or has already done so; where there is concern of the possibility of longer term implications arising from an employee's medical condition; or where an employee has had a number of shorter term absences within the previous 12 months.

2.1.14 Any report made by the Academy's OH Adviser concerning an employee will be made available to that employee.

2.1.15 Employees must follow the procedure and timetable as set out above. If the procedure is not followed by the employee:

- Any allowances to which the employee is entitled may be delayed.
- Non-statutory sick pay payments may be suspended if the terms of the scheme are not complied with, and
- The absence may be considered with reference to the Disciplinary Policy.

If there are any extenuating circumstances, the employee must advise their Line Manager.

2.1.16 If an employee provides false evidence of incapacity or if an absence is not notified or a valid reason for absence is not given, it will be dealt with reference to the Disciplinary Policy.

2.2. Contact During Any Period of Sickness Absence

2.2.1 Employees have a duty to provide contact details throughout their period of absence. There may be circumstances where it is appropriate for relevant Aspirations staff (e.g. the line manager) to make contact with an absent employee, e.g. in order to discuss the reasons for an absence and anticipated return date or where there is an important operational reason to consult with the employee. Any such contact will be made with due sensitivity with the aim of being constructive and supportive and avoiding intrusiveness.

2.3. Time Off to Attend Medical Appointments

2.3.1 Wherever reasonably possible, employees should arrange routine medical appointments (e.g. routine check-ups with doctor, dentist or optician) to take place outside their normal working hours. Where this is not reasonably possible, employees should aim to minimise the disruption to their work, e.g. by seeking an appointment at the end or beginning of the working day or at a time when their absence can most easily be covered. Other than in exceptional circumstances, where supported by an appointment card or letter, time off required to attend such an appointment will be granted as special paid leave and not considered as a sickness absence.

2.4. Sick Pay

2.4.1 The sick pay and sick leave terms and conditions for Aspirations teaching staff is shown in Appendix 1 with the sick pay and sick leave terms and conditions for Aspirations operational staff at Appendix 2.

2.5. Absence Over 28 Weeks Or Non-Entitlement to Statutory Sick Pay (SSP)

2.5.1 If an employee is not entitled to SSP or if they have exhausted their 28 weeks entitlement they will need to seek external advice about what steps they need to take to claim benefits. Academy finance staff will only be able to advise on when pay will drop during prolonged periods of absence.

2.6. Sickness During Holidays

2.6.1 If employees are sick on a public or bank holiday they will not qualify for time off in lieu at a later date.

2.6.2 If employees are sick whilst taking annual leave, the absence will be classified as sickness subject to the following criteria:

- Wherever practical the line manager must be informed at the time of sickness and not after the period of annual leave (where the line manager or other point of direct contact is unavailable, for example in the school holiday period, an email should be sent to the line manager's work email address at the earliest possible time)
- A doctor's medical certificate must be produced regardless of the length of the absence.

2.6.3 Normally, if employees are sick whilst taking annual leave they will not qualify for time off in lieu at a later date. An exception to this is if an employee would otherwise not receive their statutory holiday entitlement within the holiday year.

2.7. Support

2.7.1 All staff working in education have access to support through the Education Support Partnership. Further details can be accessed online at:

www.educationsupportpartnership.org.uk.

The Education Support Partnership provides a 24 hour, 7 days a week confidential telephone helpline (08000 562 561).

2.7.2 Employees can also contact their unions/professional associations for support.

2.7.3 Staff are also encouraged to discuss their situation with their line manager, who may be able to offer additional support.

2.8. Breaches of the Absence Management Policy

2.8.1 Breaches of the Absence Management Policy or procedure will be addressed with reference to the Disciplinary Policy. Examples of conduct that may be subject to disciplinary action are:

- Taking part in activities that are inconsistent with the cause of absence or prejudicial to recovery
- Failing to comply with the requirements of the Absence Management Policy and associated procedures

2.8.2. Examples of offences that may be regarded as gross misconduct and could result in summary dismissal are:

- Making a false claim of incapacity for work due to ill health
- Altering the contents of medical certificates
- Carrying out other employment whilst on sick leave without permission

The above list is not exhaustive.

Part 3 – Short-Term Absence Management

3.1. Occasional short-term sickness

- 3.1.1 It is good practice for the line manager to hold a return to work discussion with an employee after every period of short-term absence, no matter how short. This is useful to ensure that the employee is fit to return to work, to ask if the Academy needs to take any action to aid return to work, and ensure that the relevant certification has been received / completed. In all circumstances where the line manager has concern about repetitive and persistent short-term sickness a return to work discussion must take place (see 3.2.2 below).
- 3.1.2 The line manager should keep supervisory notes of any such return to work discussion. The notes should be retained for a period of 12 months, and longer as appropriate, in case there is need to refer to them in the context of further action required under the Absence Management Policy.

3.2. Repetitive and persistent short-term sickness

- 3.2.1 Cases of repetitive and persistent short-term sickness need handling in a reasonable and fair way, but prompt and consistent treatment is essential as repetitive and frequent absence is a matter of serious concern.
- 3.2.2 Concerns may arise about repetitive and persistent short-term sickness absence, for example where there is a pattern of absence that is substantially above the norm and is having a damaging effect on pupils' learning or the running of the academy. It is expected that if there are any concerns about absences, these should be raised informally with the employee at an early stage. This would reasonably be addressed during a return to work discussion with advice and support offered as appropriate.
- 3.2.3 In most cases, consideration of the concerns at a return to work discussion will suffice and the level of attendance will improve. However, in those circumstances where the matters of concern about an employee's level of absence continue, the line manager may arrange an informal Attendance Review Meeting (see 3.3).
- 3.2.4 Regardless of whether an Attendance Review Meeting has been held, formal procedures (see 3.4) should be considered whenever an employee meets one or more of the following conditions:
- seven working days' absence within any twelve month period (pro-rata for part time staff) arising from three or more separate absences
 - three separate absences within any six month period
 - where a combination of odd days, longer periods and patterns of absence causes concern
- 3.2.5 Where the conditions set out in 3.2.4 have been met but an Attendance Review Meeting has not been held, the line manager and, as appropriate, a member of SLT should consider the circumstances of the matter before a decision is made on whether to proceed initially with an Attendance Review Meeting (3.3) or First Stage Formal Review Meeting (3.4).

3.3. Attendance Review Meeting

- 3.3.1 This is a confidential informal meeting between the line manager and employee arranged when the manager perceives there to be a concern about a short-term sickness problem but either the conditions set out in 3.2.4 have not been met or with

regard to the circumstances, a decision has been made that, in the first instance, an informal meeting would be more appropriate than a First Formal Review Meeting.

3.3.2 The aims of the Attendance Review Meeting are to:

- signal that the employee's time off is a cause for concern
- allow the employee to provide information about any underlying medical reasons for the absences
- allow the employee to explain other causes of absence
- identify any appropriate support for the employee

3.3.3 If an underlying medical problem is suspected, the individual should be referred to the relevant Occupational Health service (see 4.2.2). The matter would then be considered at a further meeting following receipt of a report from the OH Specialist. If there are no underlying reasons identified for the absences, expectation about an improvement in attendance pattern should be communicated.

3.3.4 Where appropriate, support should be offered such as assistance with making arrangements for treatment or temporary adjustments to working hours (e.g. through temporary variation to contract).

3.3.5 The employee should be advised that their absence record will continue to be monitored over the following 12 months and that if there continues to be cause for concern in this period, further steps in accordance with the Absence Management Policy will be necessary. This may entail a First Formal Review Meeting being arranged at any time during the course of the monitoring period.

3.4. First Stage Formal Review Meeting

3.4.1 Where the conditions set out in 3.2.4 are met it will generally be appropriate for a member of the SLT or other appropriate senior manager to arrange a first formal review meeting.

3.4.2 The employee should be given at least five working days' notice of the meeting and advised of their right to be accompanied by a trade union representative or work colleague at the meeting.

3.4.3 The aims and purpose of the First Stage Formal Review Meeting are for the manager to:

- confirm the employee's sickness absence record, including the reasons for absence
- decide and, as appropriate, agree whether medical opinion should be sought from the Academy's Occupational Health Adviser.
- consider any action, appropriate to the circumstances, which Academy management might take to facilitate an improvement in the employee's attendance
- check the potential for redeployment (although this will rarely be appropriate for persistent short-term sickness)
- consider the implications of the employee's absence
- decide whether the nature of the case is such that if there is further concern about the employee's absence record within the following 12 months, this would be considered at (i) a Second Stage Formal Review Meeting; or (ii) a Contractual Review Meeting. Where the manager reaches one of these conclusions they will:
 - inform the employee that their attendance will be monitored over the following 12 month period

- notify the employee that if there is further concern about their absence record during the monitoring period, this would be considered at a Second Stage Formal Review Meeting or, where the manager has concluded it would be appropriate, a Contractual Review Meeting. Such a meeting may be arranged with due notice at any time during the monitoring period if it is apparent that the required improvement is not being made
- advise the employee of their right to appeal against the outcome in accordance with the appeal process set out below (3.7)

3.4.4 The outcome of the First Stage Formal Review Meeting should be confirmed to the employee in writing by the member of the SLT, within five working days of the meeting. As appropriate, this would include confirmation of whether further concerns about absence arising within the monitoring period would be considered at a Second Stage Formal Review Meeting or a Contractual Review Meeting. Where such notification was given, confirmation of the right of appeal would also be given.

3.4.5 Where appropriate, the manager may decide to reconvene the First Formal Review Meeting in order to consider further evidence and advice (e.g. from the Occupational Health Adviser). Follow up meetings may also be considered appropriate, e.g. to review support measures that have been initiated.

3.4.6 Referrals to the Academy's Occupational Health Adviser (see 4.2.2) may be undertaken in parallel with any formal action.

3.5. Second Stage Formal Review Meeting

3.5.1 Where the individual's attendance record does not improve sufficiently in the monitoring period following the First Stage Review Meeting, a member of the SLT or another appropriate senior manager should arrange a Second Stage Formal Review meeting (unless the confirmed outcome of the First Stage Review Meeting was that a failure to make the required improvement would lead to a Contractual Review Meeting).

3.5.2 The employee should be given at least five working days' notice of the meeting and advised of their right to be accompanied by a trade union representative or work colleague at the meeting.

3.5.3 The aims and purpose of the Second Stage Formal Review Meeting are to:

- confirm the employee's sickness absence record
- identify reasons for the lack of improvement
- decide whether further opinion should be sought from the Academy's Occupational Health Adviser
- consider any action, appropriate to the circumstances, which Academy management might take to facilitate an improvement in the employee's attendance
- check the potential for redeployment (although this will rarely be appropriate for persistent short-term sickness)
- consider the implications of the employee's absence
- decide whether the nature of the case is such that if there is further concern about the employee's absence record within the following 12 months, this would be considered at a Contractual Review Meeting. Where the manager reaches this conclusion they will:
 - inform the employee that their attendance will be monitored over the following 12 month period

- notify the employee that if there is further concern about their absence record during the monitoring period this would be considered at a Contractual Review Meeting. The Contractual Review Meeting may be arranged with due notice at any time during the monitoring period if it is apparent that the required improvement is not being made
- advise the employee of their right to appeal against the outcome in accordance with the appeal process set out below (3.7)

3.5.4 The outcome of the Second Stage Formal Review Meeting should be confirmed to the employee in writing by the member of the SLT, within five working days of the meeting. As appropriate, this would include confirmation of whether further concerns about absence arising within the monitoring period would be considered at a Contractual Review Meeting. Where such notification was given, confirmation of the right of appeal would also be given.

3.5.5 Where appropriate the manager may decide to reconvene the Second Stage Formal Review Meeting in order to consider further evidence and advice (e.g. from the Occupational Health Adviser). Follow up meetings may also be considered appropriate, e.g. to review support measures.

3.6. Contractual Review Meeting

3.6.1 A potential outcome of a First Stage Formal Review Meeting or Second Stage Formal Review Meeting is the conclusion that a failure to make the required improvement within the monitoring period would be considered at a Contractual Review Meeting. Where this is the case and an employee's attendance record does not improve sufficiently, a Contractual Review Meeting should be rearranged at which consideration shall be given to whether or not the employee is expected to be able to maintain an acceptable level of attendance and thereby fulfil their contractual obligation. Where it is concluded at a Contractual Review Meeting that the employee is not expected to be able to maintain an acceptable level of attendance, a potential outcome is to dismiss the employee on the grounds of incapability.

3.6.2 The employee should be given seven working days' notice of the Contractual Review Meeting, and advised of their right to be accompanied by a recognised trade union representative or work colleague. The letter should be issued with information about the employee's absence record and the procedural steps taken in accordance with the Absence Management Policy. The letter should also confirm that a potential outcome of the Contractual Review Meeting is a decision to terminate the contract of employment.

3.6.3 A relevant manager (normally the manager who conducted the First/Second Formal Review meeting) shall attend the meeting to present the management case.

3.6.4 The Contractual Review Panel will normally consist of a member of the SLT (no less senior than the manager who dealt with the First/Second Stage Review Meeting) or a member of the Regional Board and a representative of the Aspirations central management team. The Panel may invite advisers as appropriate.

3.6.5 The purpose of the Contractual Review Meeting is for the Panel to:

- assess the employee's absence record in the context of contractual expectations
- assess whether the Absence Management Policy has been followed appropriately
- assess whether appropriate consideration has been given by the relevant managers about potential measures to support the employee improve their attendance and whether measures identified as practical have been implemented

and, where they have been, their impact (such measures to include reasonable adjustments made in respect of a disability)

- consider any relevant representations made by the employee or their representative. Should the employee wish the Panel to consider additional evidence such as further medical reports, this should be submitted by at least two working days before the Contractual Review Meeting
- decide whether the circumstances of the case indicate the employee's inability to fulfil their contractual obligation

3.6.6 If the Panel concludes there is good reason to anticipate that the employee will be unable to maintain an acceptable level of attendance and thereby fulfil their contractual obligation, a determination will normally be made to dismiss the employee on the grounds of incapability. If the panel concludes there are good reasons not to dismiss, it may refer the case for further consideration at a Second Stage Review Meeting.

3.6.7 The employee should be informed in writing of the outcome of the Contractual Review Meeting within five working days, and, where applicable, advised of their right to appeal against dismissal. Appeals must be submitted in writing to be received by the Principal within ten working days of the written outcome of the contractual review.

3.7. Appeal

3.7.1 An appeal against a decision made at a (i) First and Second Stage Review Meeting and (ii) Contractual Review Meeting must be made in writing to be received by the Principal within ten working days of the employee receiving written notice of the decision against which they are appealing.

3.7.2 The Principal will write to the employee giving details of the Appeal Hearing. At least five working days' notice will be given of the Appeal Hearing and the employee will be advised in writing of their right to be accompanied at the Appeal Hearing by a trade union representative or work colleague.

3.7.3 Appeals against action taken in accordance with the Policy short of dismissal will normally be heard by the Principal. Appeals against dismissal will normally be considered by an Appeal Panel consisting of the Principal and one representative from the Aspirations Academies Trust who has had no prior involvement in the case. In circumstances where the Principal has had prior involvement in the case (e.g. at a Contractual Review Meeting), the role normally undertaken by the Principal in the appeal process will be taken by the Regional CEO or a representative of the Trust (which may be a member of the Trust's central management team or a member of the Regional Board).

3.7.4 The decision of the Principal/Appeal Panel will be communicated in writing to the employee within ten working days of the Appeal Hearing. This decision will be final.

PART 4 Managing Long Term Absence (or regular absence covering substantial periods)

4.1. Informal contact

4.1.1 Where an employee has been absent from work due to sickness and this extends into a second continuous week, the employee should normally contact their line manager to advise them of the situation. Where necessary the line manager will contact the employee to establish the current situation. This should be done in a sensitive manner giving due consideration to the employee's well-being. At this point, the frequency of contact should be discussed and, where possible, agreed with the employee. As a guide, this should be approximately every two weeks unless circumstances dictate otherwise.

4.2. Formal contact

4.2.1 In the case of teaching and support staff, long term sickness absence will normally be characterised by an underlying medical condition resulting in continual absence of more than two weeks.

4.2.2 Where monitoring indicates a long term absence (or other long term health problem not leading to long term absence but having other work implications) the manager should refer the member of staff to the academy's Occupational Health Adviser. This is in order to obtain expert opinion, for example, on the employee's state of health, the prognosis of their return to fitness and the implications concerning their ability to undertake their work in the short to long term.

4.2.3 The employee must be informed of any referral to the Academy's Occupational Health Adviser. The manager must endeavour to deal with this communication sensitively and this may, in exceptional circumstances, warrant a home visit, if this is considered appropriate to allay concerns the employee may have. Home visits should only be undertaken by mutual consent.

4.2.4 When it seems clear that the employee is going to be absent for a considerable period of time or when a terminal illness has been diagnosed, the manager will need to assess the situation with the Trust's Director of HR and Compliance. In such circumstances, in the short term it may be the case that no further action will be necessary apart from maintaining a reasonable level of contact with the employee.

4.2.5 Sick pay for staff (see appendix 1 and 2): The Finance lead in the Academy must ensure arrangements for monitoring when staff who are absent on long term sickness absence are to revert to half pay or are due in the next pay period to exhaust their entitlement to occupational sick pay or statutory sick pay (SSP) and advise payroll accordingly.

Return to Work

4.2.6 (i) Where an employee is returning to work having been absent due to ill health for a continuous period of longer than one week, they must make direct contact with their line manager to give at least 24 hours' notice of their return to work and generally would be expected to give as much notice as possible of the date of their return.

(ii) If the date on which the employee proposes to return to work is within the period shown on a fit note for which a doctor has assessed the individual as being unfit for work then the manager should **withhold** agreement for the employee to return to work before the end of the identified period. The manager may review this if the employee

provides an updated fit note and/or in the light of advice received from the Academy's Occupational Health Adviser.

(iii) There may be circumstances when the Academy may insist that prior to an employee returning to work, confirmation must first be received from the Academy's Occupational Health Adviser that the employee is fit for work. In such circumstances, there may be some time between the expiry of the period covered by the most recently issued fit note and the date on which confirmation is given by Occupational Health that the employee is fit to resume work. The Trust reserves the right to treat this interim period of time as sickness absence and subject to the sick pay provisions. The Trust shall endeavour to avoid undue delay in obtaining the Occupational Health assessment. In all cases where an absence has exceeded 3 months, if there is no recent² report from the Academy's Occupational Health Adviser assessing the fitness to return to work, an up to date assessment should normally be obtained prior to agreeing to the employee's return to work.

- 4.2.7 In certain circumstances a phased or gradual return to normal hours and responsibilities within a fixed timescale is a key way of facilitating a sustained return to work. There is no single pattern that suits all circumstances. A meeting to prepare for the employee's return to work will construct a Return to Work Action Plan. The meeting will be between the employee and their line manager but, as appropriate a senior manager and/or HR adviser may also be involved. If the employee requests to be accompanied at the meeting by a trade union representative or work colleague, this will be considered and may be agreed. Any medical reports from the Occupational Health Adviser and the views of the employee's General Practitioner will be taken into consideration.
- 4.2.8 Where an employee is recovering from a mental health condition, including stress-related illness, careful consideration will be given with the aim of identifying practical measures that can be implemented to minimise workplace pressures.
- 4.2.9 Generally, when a phased return to work is agreed over a period of up to four weeks, the shortfall in the employee's working hours during the phased period will be treated as sickness absence and paid in accordance with their sick pay entitlement. Similarly, any period of absence between the date on which consideration of a phased return is recommended in a "fit note" and the date on which a subsequent phased return period commences will be treated as sickness absence. Where a phased return is agreed over a longer term period (i.e. longer than four weeks) this will normally be on the basis of a temporary variation to the employee's contracted working time, though consideration shall be given to alternative proposals made by or on behalf of the employee.

4.3. First Stage Formal Review

- 4.3.1 In circumstances of long term absence the first stage formal review will be dealt with by a member of the SLT (hereafter referred to as "the manager"). Having considered the relevant circumstances (e.g. in accordance with 4.2.4) the manager may consider it appropriate to arrange a First Stage Formal Review Meeting when an employee has been absent or is expected to remain absent for a period of 15 working days or more (pro rata for part time staff). Similarly a First Stage Formal Review Meeting may be arranged even when an employee has returned to work but their pattern of absence over the previous 12 months shows a total of 15 working days or more, generally characterised by long periods of absence. Where such a total level of absence is significantly characterised by a number of short absences, it may be considered appropriate to deal with the matter with reference to part 3 of this Policy. In considering this, a single period of absence of less than one week in duration would generally be

² As a guide, a report issued within the previous six weeks would be considered recent

considered a “short absence” and an absence longer than this would be considered a “long absence”.

4.3.2 If the manager decides to proceed with a First Stage Formal Review Meeting, they will notify the employee in writing, giving a minimum of five working days’ notice. The employee should be advised of their right to be accompanied by a trade union or a work colleague and they should be provided with details of their sickness record.

4.3.3 The purpose of the First Stage Formal Review Meeting is to:

- consider the medical treatment that the employee is receiving and the prognosis for recovery (including, as appropriate, anticipated timescale of being fit to resume normal duties, likelihood of further absence in the future and potential relevance of ill health retirement as a consideration)
- consider what the employer can reasonably do to help the employee return to work and/or maintain a good record of attendance, including, as appropriate, reasonable workplace adjustments and redeployment (advice on these matters may be sought from the academy’s Occupational Health Adviser and the Trust’s HR Director)
- reflect on the implications of the employee’s absence
- decide upon an appropriate timescale during which the case would be further reviewed with a view to assessing at the end of the period if the matter should be considered at a Second Stage Formal Review Meeting (see 4.4). Depending on the nature of the case, such a review period would generally be no shorter than 4 weeks and no longer than 12 weeks.

4.3.4 Outcomes from the First Stage Formal Review Meeting should be confirmed to the employee, in writing, by the manager, within five working days of the meeting. This shall include notification of the right of appeal as set out in section 4.6.

4.3.5 During the review period, where appropriate, the manager may decide to reconvene the First Stage Formal Review Meeting in order to consider further evidence and advice. Normally towards the end of the review period (but earlier if there is good reason) the manager shall make a provisional assessment and in circumstances where the employee has not returned to work and/or the level of absence gives cause for concern about the employee’s ability to sustain an acceptable level of attendance they may either extend the review period or proceed with a Second Stage Formal Review Meeting (see 4.4). If during the review period the employee has returned to work and the manager assesses there has been sufficient improvement, they may decide no further action is necessary. In this circumstance the manager should confirm their assessment in writing to the employee, advising that the employee’s attendance record will be kept under review over the following 12 months and that should there be further need to apply the Policy within that period this may be at a second formal review meeting.

4.4. Second Stage Formal Review Meeting

4.4.1 If the manager decides to proceed with a Second Stage Formal Review Meeting, they will notify the employee in writing, giving a minimum of five working days’ notice. The employee should be advised of their right to be accompanied by a trade union or a work colleague and they should be provided with details of their sickness record.

4.4.2 The purpose of the second formal review meeting is to:

- consider the medical treatment that the employee is receiving and the prognosis for recovery (including, as appropriate, anticipated timescale of being fit to resume normal duties, likelihood of further absence in the future, potential relevance of ill health retirement as a consideration)

- consider what the employer can reasonably do to help the employee return to work and/or maintain a good record of attendance, including, as appropriate, reasonable workplace adjustments or redeployment (advice on these matters may be sought from the academy's Occupational Health Adviser and the Trust's Director of HR and Compliance as appropriate)
- reflect on the implications of the employee's absence
- decide upon an appropriate timescale during which the case would be further reviewed with a view to assessing at the end of the period if the matter should be considered at a Contractual Review Meeting (such assessment would consider if the employee has returned to work and whether there continues to be concern about the employee's ability to sustain an acceptable level of attendance). Depending on the nature of the case, such a review period would generally be no shorter than 4 weeks and no longer than 12 weeks.

4.4.3 Outcomes from the Second Stage Formal Review Meeting should be confirmed to the employee, in writing, by the manager, within five working days of the meeting. This shall include notification of the right of appeal as set out in section 4.6.

4.4.4 During the review period, where appropriate, the manager may decide to reconvene the Second Stage Formal Review Meeting in order to consider further evidence and advice. Normally towards the end of the review period (but earlier if there is good reason) the manager shall make a provisional assessment and in circumstances where the employee has not returned to work and/or the level of absence gives cause for concern about the employee's ability to sustain an acceptable level of attendance, they may either extend the review period or arrange a Contractual Review Meeting (see 4.5). Normally, a Contractual Review Meeting should only be arranged where written advice from the academy's Occupational Health Adviser has been considered within the previous 6 weeks. If during the review period the employee has returned to work and the manager assesses there has been sufficient improvement, they may decide no further action is necessary. In this circumstance the manager should confirm their assessment in writing to the employee, advising that the employee's attendance record will be kept under review over the following 12 months and that should there be further need to apply the Policy within that period this may be at a Contractual Review Meeting.

4.5. Contractual Review Process

4.5.1 If the manager decides to proceed with a Contractual Review Meeting, the employee should be given a minimum of seven working days' notice of the meeting and advised of their right to be represented by a recognised trade union or work colleague. The letter should outline the employee's sick record to date and inform them that as a result of the review a decision may be made to terminate the contract of employment. The employee should also be advised that should they wish the panel to consider additional evidence such as further medical reports, this should be submitted by at least two working days before the Contractual Review Meeting.

4.5.2 The manager shall attend the meeting to present the management case.

4.5.3 The meeting shall be conducted by the Contractual Review Panel that will normally consist of a member of the SLT (no less senior than the manager who dealt with the Second Stage Review Meeting) or a member of the Regional Board and a representative of the Aspirations central management team. The Panel may invite advisers as appropriate.

4.5.4 The purpose of the meeting is for the Contractual Review Panel to:

- Assess the employee's absence record and anticipated future absence taking into account reports from the Occupational Health Advisor
- Assess the implications of the absence and expected future absence in the context of contractual expectations and the needs of the service
- Assess whether the Absence Management Policy has been followed appropriately, including being satisfied that appropriate consideration has been given to the possibility of redeployment/job redesign or any other reasonable adjustments that may need to be considered (including any needed to be considered in respect of a disability)
- Check on any consideration made about possible ill-health retirement
- Consider any relevant representations made by the employee or their representative. Should the employee wish the panel to consider additional evidence such as further medical reports, this should be submitted by at least two working days before the contractual review meeting
- Where a full return is not expected within the near future, or where the prognosis is indeterminable, or where there is an underlying medical condition expected to cause further periodic absence, the panel must assess whether in all the circumstances the employee's expected level of continued absence is acceptable. Where a determination to dismiss is made, this will be on the grounds of incapability. If the panel concludes there are good reasons not to dismiss, it may refer the case for further consideration at a Second Stage Review Meeting.

4.5.5 The employee must be informed in writing of the outcome of the Contractual Review Meeting within five working days, and, as appropriate, advised of their right to appeal against dismissal.

4.6. Appeal

4.6.1 An appeal against a decision made at a (i) First and Second Stage Review Meeting and (ii) Contractual Review Meeting must be made in writing to be received by the Principal within ten working days of the employee receiving written notice of the decision against which they are appealing.

4.6.2 The appeals process will follow that set out in Part 3 (paragraphs 3.7.1-3.7.4)

Appendix 1 – Sick Pay and Sick Leave Regulations for Teachers

1. Application of the Scheme

The scheme shall apply to all full-time and part-time teachers. This section should be read in conjunction with the Conditions of Service for School Teachers in England and Wales (“the Burgundy Book”),

2. Scale of Allowances and Sick Leave

a) Subject to the provisions of this scheme, a teacher absent from duty owing to his/her illness (which term is deemed to include injury or other disability) shall be entitled to receive in any period of one year sick pay in accordance with the following scale:

i) During the first year of service:

full pay for 25 working days and, after completing four calendar months' service, half-pay for 50 working days.

ii) During the second year of service:

full pay for 50 working days, and half-pay for 50 working days.

iii) During the third year of service:

full pay for 75 working days, and half-pay for 75 working days.

iv) During the fourth and successive years:

full pay for 100 working days, and half-pay for 100 working days.

Note: This scale is to be regarded as a minimum and The Aspirations Academies Trust has discretion to extend its application in exceptional circumstances.

b) Sick pay shall include, where appropriate, Statutory Sick Pay, and shall not exceed full (ordinary) pay. Appropriate deductions are detailed in the following sub-paragraphs.

c) The allowance is pro-rata for part time staff.

3. Calculations of Sick Leave and Sick Pay

a) Allowances payable under this scheme to any teacher shall not exceed the sum (if any) by which the amounts of benefits, allowances and payments referred to in the following subparagraphs fall short of his/her full pay.

b) For the purposes of calculating entitlement to sick leave under Section 2 above, the year shall be deemed to begin on April 1 of each year and end on March 31 of the following year. In the case of a teacher whose service commences on a date other than April 1, such service shall be deemed, for the purpose of this scheme, to have commenced on the preceding April 1, 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 March 31 of any year, such teacher shall not begin new entitlement to sick leave in respect of the following year until he/she has resumed teaching duties, the period from April 1 until the return to duty being deemed to be part of the preceding year for the purpose of this scheme.

c) In the case of a teacher transferred from the service of one Aspirations academy to that of another Aspirations academy, any sick pay paid during the current year by the

previous Aspirations academy shall be taken into account in calculating the amount and duration of sick pay payable by the new academy.

- d) For the purpose of the sick pay scheme (Section 2 above), "service" includes:
- For those teachers who were subject to statutory transfer to Aspirations employment from a local authority maintained school, all aggregated teaching service with one or more local authorities;
 - For other teachers, all aggregated teaching service with the Aspirations Academies Trust and such other period of employment as the Aspirations Academies Trust may approve.

For staff whose contractual entitlements are still determined in accordance with the TUPE regulations, sick pay arrangements will remain in accordance with any terms of employment, policies and procedures that transferred under their contract of employment.

- e) Teachers will also be entitled to the benefits relating to:
- i. Absences arising from accidents, injury or assault at work;
 - ii. Absences due to an infectious or contagious illness contracted directly at work.
 - iii. Contact with infectious diseases at home or at work

Where these absences are attested by an approved medical practitioner nominated by Aspirations, then the teacher will be entitled to full pay for the period of the absence as authorised by the approved medical practitioner. This entitlement will not be reckonable against the teacher's entitlement to sick pay as outlined in paragraph 2 above, although such absences are reckonable for entitlements to statutory sick pay. For absences arising from accidents, injury and assault at work entitlement to full pay will be reviewed after six months.

Any queries should be directed to the Academy HR or Finance lead.

Appendix 2 – Sickness Payments and Leave Regulations for Operational Staff

1. Sickness Payments

The scheme shall apply to all full-time and part-time operational staff. This section should be read in conjunction with the Scheme of Conditions of Service for Local Government Service Staff (“the Green Book”).

- a) Subject to the provisions of this scheme, an employee absent from duty owing to illness (which term is deemed to include injury or other disability) shall be entitled to receive an allowance in accordance with the following scale. The information relates to all staff whether they are permanent, temporary or fixed term:

Period of service	Staff contracted to work 52 weeks per year
During the 1st year of service	1 months full pay and (after completing 4 months service) 2 months half pay
During the 2nd year of service	2 months full pay and 2 months half pay
During the 3rd year of service	4 months full pay and 4 months half pay
During the 4th and 5th years of service	5 months full pay and 5 months half pay
After 5 years’ service	6 months full pay and 6 months half pay

In the case of full pay periods sick pay will be an amount which when added to Statutory Sick Pay and Incapacity Benefit receivable will secure the equivalent of normal pay.

In the case of half pay periods sick pay will be an amount equal to half normal earnings plus an amount equivalent to Statutory Sick Pay and Incapacity Benefit receivable, so long as the total sum does not exceed normal pay.

- b) The Aspirations Academies Trust shall have discretion to extend the application of the foregoing scale in exceptional cases and should review the position of employees at an early opportunity and before their entitlements to paid sick leave expires.

2. Calculation of Allowance

- a) The rate of allowance and the period for which it shall be paid in respect of any absence due to illness shall be ascertained by deducting from the period of benefit appropriate to his/her service on the first day of his/her absence the aggregate of the periods of absence due to illness during the twelve months immediately preceding the first day of absence.
- b) For the purpose of the sick pay scheme (Section 2 above), "service" includes:
- For those staff who were subject to statutory transfer to employment with Aspirations, all aggregated service with one or more local authorities;
 - For other staff, all aggregated service with the Aspirations Academies Trust and such other period of employment as the Aspirations Academies Trust may approve.

For staff whose contractual entitlements are still determined in accordance with the TUPE regulations, sick pay arrangements will remain in accordance with any terms of employment, policies and procedures that transferred under their contract of employment.

- c) The allowance payable under this Scheme to any employee shall not exceed the sum (if any) by which the total amount of benefits, allowances and payments referred to below falls short of full pay.
- d) Where an employee is receiving sickness pay, he/she should continue to receive such pay if a public holiday occurs during sick leave. Where an employee has exhausted his/her period of entitlement to sickness pay, no payment should be made (other than SSP if applicable) in respect of a public holiday occurring during his/her period of sick leave.
- e) In determining the normal pay of an employee during sick leave, the Aspirations Academies Trust should include:
 - Regular overtime payments made to employees whose terms of employment provide that they must, each month, work hours in excess of the usual hours (and for which overtime payment is made as a regular addition to salary and:
 - Regular payments made in respect of standby duty allowances and allowances for working arrangements other than normal office hours.
- f) Employees will also be entitled to the benefits relating to:
 - i. Absences arising from accidents, injury or assault at work;
 - ii. Absences due to an infectious or contagious illness contracted directly at work.
 - iii. Contact with infectious diseases at home or at work

Where these absences are attested by an approved medical practitioner nominated by Aspirations, then the employee will be entitled to full pay for the period of the absence as authorised by the approved medical practitioner. This entitlement will not be reckonable against the employee's entitlement to sick pay as outlined in paragraph 2 above, although such absences are reckonable for entitlements to statutory sick pay. For absences arising from accidents, injury and assault at work entitlement to full pay will be reviewed after six months.

Any queries should be directed to the Academy HR or Finance lead.