

Inspire Partnership Academy Trust
Sickness Absence Management Policy
Version: Final

DATE APPROVED BY TRUSTEES: 16 December 2021

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1. Introduction

- 1.1 The Inspire Partnership Trust (“the Trust) and its schools believe that employee well-being at work is fundamental to the recruitment and retention of its employees.
- 1.2 The Senior Leaders, Trustees and Governors at this Trust recognise that prevention is better than cure and that employee well-being at work is a shared priority for all involved.

2. Equalities Statement

- 2.1 This Trust is committed to providing equal opportunities and access to all. This policy embraces the spirit of managing a diverse workforce and those managing and dealing with sickness matters must ensure that no employee is discriminated against either directly or indirectly, harassed or victimised on the grounds of their race, disability, sex, sexual orientation, religion or belief, age, marital or civil partnership status or any stage of gender reassignment or any prohibited ground.

3. Scope

- 3.1 This policy applies to all employees of this Trust.
- 3.2 In respect of a Headteacher’s absence due to sickness, the provisions of this policy will be initiated and progressed by the Trust Executive Team.

4. Roles and Responsibilities

- 4.1 Managing sickness absence is one of a Headteacher/line manager’s key roles. Every manager within the Trust has a responsibility to manage sickness absence in a way that safeguards the interests of the Trust’s resources, service provision and employee well-being.
- 4.2 This procedure aims to ensure that all employees are treated consistently and fairly and provide a framework for dealing with potential absence problems at an early stage thereby longer-terms problems may be prevented.

4.3 **Employee responsibilities:**

- Familiarise yourself with this policy.
- Ensure you comply with the reporting absence procedures as set out in the Trust’s procedures; and
- Understand that failure to adhere to the procedures or follow your Headteacher/line manager’s instructions in relation to your absence, may result in disciplinary action and/or suspension of sick pay.
- Keep your Headteacher/line manager informed of the reasons for your absence and the likely duration of your absence.
- Attend all informal and formal meetings as requested, making the arrangements to be accompanied by a workplace colleague or union representative where appropriate.

4.4 **Headteacher/line manager (or delegated manager) responsibilities:**

- Monitor and report on a timely basis all sickness absence episodes to enable sick pay provisions to be dealt with by payroll.
- Ensure that return to work interviews and subsequent formal meetings are undertaken.
- Ensure that these procedures are applied consistently and fairly considering individual circumstances.
- Ensure that all staff are made aware of this policy and the need for them to follow the requirements of sickness absence notification procedures.
- Encourage and support employees to maintain good attendance, through good management practice and use of other appropriate services.
- Ensure that all employees are aware of the Trust's confidential employee assistance provider.
- Undertake stress risk assessments for their team or individual employees, as required (advice on how to undertake a stress risk assessment is available from the Trust).

4.5 **The School or Trust HR Lead responsibilities:**

- Provide the Headteacher/Line Manager with the tools to be able to manage sickness absence effectively including training, and template documentation.
- Provide the Headteacher/Line Manager with specialist advice on implementing this policy and procedures.
- Support the Headteacher/Line manager when referring an employee to the Occupational Health Adviser.

4.6 **Trust Executive Team's responsibilities:**

- Ensure the Trust regularly reviews the impact and relevance of this sickness absence policy.
- Ensure the Headteacher/Line Manager carries out their responsibilities as outlined in the policy.
- Ensure the absence of the Headteacher is monitored and the appropriate procedures are applied.
- Determine an appropriate course of action when a Headteacher refers a case to the Trust Executive team.

5. [Reporting Sickness Absence](#)

5.1 **First Day of absence:**

Employees will be required to contact their Headteacher/line manager to report their absence no later than 7.30am on their scheduled day of work, and should provide the nature and probable duration of their absence.

Unless a sickness certificate has been received, before 4.00pm on each date of absence, the employee will be required to confirm whether they believe they are well enough to return on the following scheduled working day.

Please note employees should report their absence themselves, unless there is a good reason such as total incapacitation in which case, they will be required to ask a friend or relative to report the absence on their behalf.

If your Headteacher/line manager is not available, you should contact the HR Lead or a senior manager directly. If neither of these are available, leave a message stating that you are sick and either ring back later the same day or leave your telephone number so that someone can call you back. Details about your sickness should not be left with colleagues.

Where exceptional circumstances (e.g. an accident on the way to work) prevents an employee from reporting absence within the normal timescales, they should ring the Headteacher/line manager as soon as you are able to do so.

5.2 **Fourth calendar day of absence:**

If an employee is still absent (or absent for longer than first indicated) you should telephone your Headteacher/line manager to provide an update on your health.

5.3 **Eighth calendar day of absence:**

Employees must telephone their Headteacher/line manager to provide an update on their health.

Additionally, employees must also obtain a fit note from your doctor, which must be sent in no later than the eighth calendar day of absence to the Headteacher/line manager. If required, additional fit notes must be sent in to cover the employee for the entire period of the absence. Failure to provide a fit note/certificate may result in loss of pay.

5.4 **Before Returning to Work:**

Employees will be required to complete a Self-Certificate of Absence form (Appendix A) for each period of sickness. Failure to do so may result in loss of pay.

If the absence period is greater than 14 days, or the employee has submitted more than one fit note, then a certificate from their doctor confirming that the employee is fit to return is required.

6. **Support for Employees**

6.1 The Trust has a confidential Employee Assistance Programme (EAP) provider to support employees, and this can be accessed to request advice on sickness absence matters.

6.2 Employees and members of the employee's immediate household can contact the EAP service 24/7, 365 days per year to discuss any issue that may be concerning them. The EAP service can be contacted on 0800 030 5182 or via email at www.healthassuredeap.com (username – IPAT; password – EAP).

7. Support for Managers

- 7.1 It is appreciated that dealing with sickness cases and managing sickness absence can sometimes be daunting for Headteachers/line managers, in particular dealing with sensitive or embarrassing issues. This can lead to delays in dealing with the absence issue which may exacerbate any problems that could easily be resolved swiftly. Guidance and support on how to approach employees and undertake meetings such as return to work interviews or formal review meetings is available from the school or Trust HR Lead who will talk managers through the best way to approach a difficult or sensitive subject.

8. Sickness Absence Monitoring

- 8.1 Effective sickness absence monitoring is essential for the early detection of problems including welfare and work-related problems. Earlier identification of issues can lead to speedier management or medical interventions, or to improved individual awareness.
- 8.2 It is essential that accurate records are kept for each employee by the Headteacher/line manager. If a particular individual needs to be approached in respect of their sickness absence, accurate records provide evidence for the manager to illustrate how attendance levels are causing concern.
- 8.3 Regular monitoring also enables managers to gain a picture of where there may be underlying areas of concern such as management, motivation or stress issues and assess the impact of sickness absence on service provision.

9. Absence Triggers

- 9.1 Headteachers/line managers are responsible for reviewing absence levels of staff at least monthly and in doing so will consider whether an employee's non-attendance has reached a trigger point. A trigger point is a level of absence at which a formal review will be required as it is causing operational difficulties and therefore requires action under the formal procedure (see Section 21).
- 9.2 **Trigger points used are:**
- 9.2.1 Seven working days sickness absence in the previous 12 months or sickness absences on five separate occasions in the previous 12 months.
- 9.2.2 The 12-month period is calculated from the first day of the current period of non-attendance. If the employee has less than six months service, non-attendance will be pro-rated to their length of service.
- 9.2.3 Headteachers/line managers will be required to report non-attendance trend data to the Trust HR Lead on a half-termly basis.
- 9.2.4 The Trust reserves the right to invoke a formal non-attendance meeting where circumstances warrant and remain relevant.

9.3 Long Term sickness absence triggers

This is where sickness has lasted for four or more continuous weeks.

10. Psychological illnesses such as stress and depression

- 10.1 In cases of stress, depression, or another psychological illness, Headteachers/line managers should contact the employee in the second week of absence to arrange to meet to consider a referral to the Occupational Health Adviser.
- 10.2 In any cases of stress, depression or another psychological illness being given as the reason for absence Headteachers/line managers should ensure a more in-depth return to work meeting is held, a stress risk assessment is undertaken and consider a referral to the Occupational Health Adviser.
- 10.3 When an employee has been absent for four or more continuous weeks the Headteacher/line manager will normally follow the process for managing long term sickness absence as set out in Section 24. Headteachers/line managers should contact the school or Trust HR Lead for further guidance.

11. Special Considerations

11.1 Disability related sickness absence

11.1.1 Where absence could be disability related, employees will be appropriately treated within the context of the Equality Act 2010. This legislation provides legal protection against discrimination for disabled people. In dealing with disability related absences Headteachers/line managers should seek advice from the Trust HR Lead if they are in any doubt about managing disability related sickness.

11.1.2 Sickness absence relating to disability should be identified and recorded separately as this could be regarded as a reasonable adjustment when referring to the sickness absence triggers.

11.2 Maternity related sickness absence

11.2.1 Employees should not be discriminated against because of maternity related sickness. Maternity related sickness absence during protected periods must not be considered as grounds for subsequent dismissal. The protected period is from notification of inception of pregnancy to the end of the woman's maternity leave.

11.2.2 Illnesses, which are related to pregnancy, should be dealt with through this procedure. Any pregnancy related sickness after the beginning of the 4th week before the Expected Week of Childbirth (EWC), will automatically start the maternity leave period. Any sickness before the 4th week of the EWC will be treated as sickness normal absence.

11.2.3 A risk assessment should be undertaken by the Headteacher/line manager once notification has been received in writing that an employee is pregnant; has given birth in the previous six months; or is breastfeeding. Further details can be found in the Trust's Maternity Policy.

11.3 Industrial injury related sickness absence

- 11.3.1 Where absence is as a result of an industrial injury the Trust's Accident and Incident Reporting and Investigation Policy must be followed.
- 11.3.2 Any employee who is absent due to an injury sustained in the performance of their contractual duties, without them being at fault, shall be paid in accordance with normal sickness absence.
- 11.3.3 An employee who is absent as a result of an accident where damages may be receivable from a third party, will be paid Occupational Sickness Pay subject to the employee undertaking to refund to the Trust the total amount of Occupational Sick Pay or a proportion of it from the damages received from a third party in respect of such an accident.
- 11.3.4 In the case of a teaching staff member whose absence is due to an accident, injury or assault attested by an approved practitioner to have arisen out of and during a teacher's employment, including attendance for instruction, physical training, or other classes, organised, or approved, by the employer, or participation in any extracurricular or voluntary activity connected with the Trust, will be entitled to full sick pay. Such pay being treated as sick pay, subject to the production of self-certificates and/or GP's fit note from the day of the accident, injury or assault up to the date of recovery, but not exceeding six months.
- 11.3.5 Absence resulting from accidents, injuries, or assaults, as attested in para 11.3.4 will not count against the teacher's occupational sick pay entitlements but are reckonable for entitlement to statutory sick pay (Teachers' pay and conditions of service).

11.4 Sickness caused by infectious disease

- 11.4.1 An employee who is prevented from attending work because of contact with infectious disease should report their absence in the normal way. If necessary, the Headteacher or Line Manager will liaise with the Health and Safety Adviser for guidance and support.

11.5 Attending medical/dental appointments

- 11.5.1 Employees should be encouraged to arrange for appointments to take place outside of normal working hours, or failing that, at the beginning or end of the day. Where this is not possible, employees should arrange appointments so that the time away from work is kept to a minimum. The Headteacher/line manager will monitor attendance levels to ensure that this is not abused.
- 11.5.2 Absence for half, or more than half, of the employee's normal working day should be recorded as sickness absence.
- 11.5.3 Special consideration should be given to employees who attend appointments for reasons relating to a disability in which case paragraphs 11.5.1 and 11.5.2 may not apply as these appointments may be considered to be a reasonable adjustment. Please contact the school or Trust HR Lead for further advice.

11.6 Planned Hospital Admissions

11.6.1 Where an employee is scheduled to attend hospital to undergo a surgical or medical procedure which has been certified by a Medical Adviser as essential to their health, the employee will receive sick leave and occupational and statutory sick pay.

11.7 Sickness Absence Whilst on Leave/During School Closure Periods

11.7.1 Support staff - in the event of an all-year-round employee falling sick during a period of annual leave, they will be regarded as being sick from the date of their GP's fit note (any costs to be met by the employee) and further annual leave shall be suspended from that date and for the duration of the fit note. If no fit note is produced annual leave will stand. Every reasonable effort should be made by the employee to report any sickness absence during a period of annual leave as soon as practicable to their Headteacher/line manager.

11.7.2 Support staff (term time only) – in the event of an employee falling sick during the school closure periods, they will be regarded as being sick from the date of their fit note and must send in a GP's fit note to cover any absence extending into a closure period.

11.7.3 Teaching staff – whilst sickness during closure periods will not affect the period of a teacher's entitlements to sick leave, it will be relevant so far as deduction of benefit is concerned. Thus, the same deductions applicable to a teacher in respect of sickness on working days will be applicable in respect of sickness during a closure period.

11.7.4 The rate of sick pay applicable to a teacher in respect of sickness during the closure of a school is the rate applicable to them on the last day before the closure. Where a teacher, therefore, is ill immediately preceding a closure period and is on either full pay or half pay, they will continue on this rate of pay but the closure period is not counted against the teachers' entitlements. If the teacher has exhausted their sick pay and is on no pay, they will continue to receive no pay.

11.7.5 A teacher may in the above circumstance, be put back onto full (ordinary) pay if the teacher is ill immediately preceding a closure of the school and recovers during this period of closure. In this circumstance, the teacher shall be deemed, for the purpose of calculating salary due, to have returned to duty on the day he/she is authorised as medically fit by their GP via a GP's fit note, provided the teacher returns to duty on the first day after the closure, and does not have a further period of sickness absence within three months of their return.

12. Medical Suspension

12.1 If an employee's condition is considered to be a health and safety risk either to themselves, other staff, and or pupils they should be suspended on medical grounds. The suspension will be on full pay. Headteachers/line managers in any doubt should seek advice from the Trust HR Lead before taking this action.

12.2 An employee who is medically suspended will normally have been referred to the occupational health service or would be in the process of being referred for a medical opinion.

- 12.3 The employee will be advised to visit their GP in this circumstance to ascertain the doctors' opinion on their state of health. If the doctor agrees that the employee should not be in work, the employee should send the GP's fit note to their Headteacher/line manager. The medical suspension will cease from the date of the GP's fit note.
- 12.4 For cases of suspected drug or alcohol abuse Headteachers/line managers should refer to the schools Drugs and Alcohol Misuse Policy.
- 12.5 There may be occasions when the medical advice received from the GP or Occupational Health Adviser cannot be practically implemented. In such cases the Headteacher / COO / CEO has the authority to suspend on medical grounds.

13. Differences of Medical Opinion

- 13.1 On rare occasions, there may be a difference of medical opinion between the employee's GP and the Occupational Health Physician. The opinion of the Occupational Health Physician will take precedence.

14. Sick Leave and Pay Entitlement

- 14.1 Support staff - the rate of sick pay and the period for which sick leave shall be paid in respect of absence due to ill health, will be calculated on a 12-month rolling basis.
- 14.2 Teaching staff – the rate of sick pay and the period for which sick leave shall be paid in respect of absence due to ill health, will be calculated on a 12-month rolling basis.

The period of sick leave for teachers are calculated in working days only. Teachers who are absent due to sickness continue to receive full or half pay as appropriate, through weekends, school holidays and bank holidays, though these periods do not count towards sick leave triggers.

- 14.3 It is not necessary for an employee's sick leave entitlement to be exhausted before termination of employment on medical grounds may be implemented. If a Headteacher/line manager is considering this action, please seek advice from the Trust HR Lead.

15. Occupational Sick Pay

- 15.1 Occupational sick pay is paid in line with the terms and conditions of employment and subject to the conditions contained in this policy. Occupational sick pay is for a prescribed period based on length of service, as indicated below: -

Teachers:

Length of Service	Entitlement
During 1 st Year of service	Full pay for 25 working days and, after completing 4 calendar months service. Half pay for 50 working days
During 2 nd Year of service	Full pay for 50 working days, and then Half pay for 50 working days
During 3 rd Year of service	Full pay for 75 working days, and then Half pay for 75 working days
During 4 th and successive years	Full pay for 100 working days, and then Half pay for 100 working days

Support Staff:

Length of Service	Entitlement
During 1 st Year of service	1 month's full pay and (after completing 4 months service) 2 months' half pay
During 2 nd Year of service	2 months' full pay and 2 months' half pay
During 3 rd Year of service	4 months' full pay and 4 months' half pay
During 4 th and 5th year of service	5 months' full pay and 5 months' half pay
After 5 Years' Service	6 months' full pay and 6 months' half pay

15.2 The Trust Board can exercise its discretion to extend occupational sick pay in exceptional cases.

16. [Stopping Occupational Sick Pay](#)

16.1 Sick pay may be stopped if an employee fails to comply with the statutory sick pay requirements, such as the provision of a GP's fit note.

16.2 When deciding to stop sick pay the Headteacher/line manager may wish to seek advice from the Trust HR Lead. The Headteacher/line manager must make it clear, in writing, giving two weeks' notice of stopping sick pay to the employee and confirming:

- a) the circumstances that are leading the manager to come to the decision.
- b) the date that the pay will be suspended.

17. Suspension of Sick Pay

17.1 The payment of any occupational sick pay under the scheme may be suspended if the Headteacher/ COO / CEO is of the opinion that the condition which has led to the employees' absence from work is due to any of the following circumstances:

- abuse of the sickness scheme.
- absence on account of sickness due or attributable to deliberate conduct prejudicial to recovery.
- the employee's own misconduct or neglect or active participation in professional sport or injury while working in the employee's own time on their own account for private gain or for another employer.
- some other substantial reason as discussed with the school or Trust HR Lead (e.g., nonengagement with occupational health).

17.2 Where suspension of sick pay is required the Headteacher/COO / CEO must advise the employee in writing of the grounds for suspension and the employee shall have a right of appeal to a panel of Senior Trust Leaders. If it is decided that the grounds were justified the employee shall forfeit the right to any further payment in respect of that period of absence.

17.3 Abuse of the sickness scheme will be dealt with under the disciplinary procedure.

18. Sick pay and statutory annual leave

18.1 All year-round contracted employees accrue and can request to take paid statutory annual leave whilst on long term sick leave. Employees whose employment terminates after a period of long-term sick leave will be paid in lieu of the statutory leave that they would otherwise have carried forward or lost.

19. Return to Work Interview

19.1 Following any period of sickness absence, the Headteacher/line manager will meet informally with the employee ideally on the day of return (but no later than 72 hours after) to conduct a return-to-work interview to:

- Welcome the employee back to the workplace.
- Ensure the employee is fully recovered and decide whether any further support is required.
- Review the employee's sickness and absence record for the past twelve months and agree either:
 - To set a time for an interview under Stage 1 of this Policy or;
 - That no further action is needed.
- Update the employee on any key issues that have occurred during their absence.

- Complete and sign off the return-to-work section of the employee's Self Certification of Absence Form (Appendix A).

- 19.2 The Self Certification of Absence Form should record the return-to-work discussion. The completed form must be agreed and signed by both parties and the original sent to the school or Trust HR Lead; a copy will be retained on the employee's personnel file.
- 19.3 The employee does not have the right to be accompanied at a return-to-work meeting by a union representative or work place colleague, however the line manager has discretion to allow this in special circumstances.
- 19.4 If an employee has had an Occupational Health Assessment, the recommendations made will be carefully considered, particularly in relation to phased returns or adjustments to duties so far as is reasonably practicable.

20. [Managing Short-Term Sickness Absence](#)

- 20.1 The early and successful management of short-term absence is essential to good working conditions. Responsibility lies with the Headteacher/line manager to manage this process in a consistent and appropriate manner. To ensure that a complete picture of absence is available, comprehensive sickness records must be kept for monitoring purposes.
- 20.2 The Headteacher/line manager may arrange for the employee to be referred to Occupational Health to seek advice including whether there is any underlying cause for the short-term absence.
- 20.3 Headteachers/line managers should review absence levels more formally with an employee where a pattern or level of absence has emerged which causes concern and/or the absence triggers as set out in Section 9 have been met.
- 20.4 In these instances, a Stage One - Formal meeting should be held between the Headteacher/line manager and the employee to discuss the Headteacher/line manager's concerns. At this meeting the employee should be provided with a copy of this policy. During the formal stage the employee will be expected to improve their level of attendance. The level of attendance required will be confirmed to the employee in writing and the employee informed that failure to reach this required attendance within a specified timescale could lead to dismissal.
- 20.5 In extreme cases a Stage Three final review meeting will be convened without going through Stages One and Two.

21. [STAGE ONE - Formal Meeting](#)

- 21.1 The purpose of the meeting is to discuss the situation with the employee in a supportive way, to establish whether the absences from work are linked or related and to agree with the employee the best way forward. The employee will be provided with five working days' notice of the meeting and should be asked if they wish to be accompanied by a Trade Union representative or a workplace colleague at the meeting. In exceptional circumstances the school or Trust HR Lead may attend if the matter is particularly complex.

- 21.2 By the end of the meeting, the Headteacher/line manager would be expected to have a real understanding of the problem and any workplace issues that are affecting the employee's ability to attend work and determine reasonable ways of assisting the employee in reducing his/her sickness absence and/or making a successful return to work. The decision of the meeting should be recorded, and a copy of the record be given to the employee to avoid any confusion. In situations where the manager is unable to fully understand the problem a further referral will be appropriate.
- 21.3 If the reasons given for the absences appear to be unrelated and the level of absence and/or frequency and pattern is causing concern the Headteacher/line manager should try and identify through discussion with the individual if there are other problems of a domestic or work nature that may be affecting their attendance. If there are any work issues affecting attendance, the Headteacher/line manager has a responsibility to make every effort to resolve these and to involve the employee in their effective resolution. A date should be set in one month's time to review the position at a Stage Two - Formal Review meeting.
- 21.4 Where an employee has taken three or more periods of sickness absence within a six-month period, the Headteacher/line manager must automatically review the need for a referral to the Occupational Health Adviser. Action taken to refer to the Occupational Health Adviser must be appropriate to the nature of the absence. Guidance on when this is appropriate would be available from the school or Trust HR Lead.
22. **STAGE TWO - Formal Review Meeting**
- 22.1 The purpose of this meeting is to review the employee's attendance levels since the date of the Stage One Review Meeting as outlined in Section 21 above. The employee will be given five working days' notice of the should be asked if they wish to be accompanied by a Trade Union representative or a workplace colleague at the meeting. In exceptional circumstances the school or Trust HR Lead may attend if the matter is particularly complex.
- 22.2 An exception to this would be where medical advice indicates that the employee will not be able to return to their role or a suitable alternative role, and where there are no reasonable adjustments that would enable them to return. A Stage Three final review meeting will then be convened.
- 22.3 **Outcome from Stage Two**
- 22.3.1 The outcome will be either (i) an improvement or (ii) failure to improve. The following explains the next steps that need to be taken in either circumstance:
- 22.3.2 **The level of absence has improved:**
- If the level of attendance has improved sufficiently this should be recognised and a further review meeting organised for two months' time. If after that further review, there is no ongoing concern, then no further action is required. A record of this decision should be made and shared with the employee and placed on the employee's personnel record for six months.

- Headteachers/line managers should make it clear to the employee however that should there be further concerns regarding their attendance within the next 6 months consideration would be given to re-starting the review process at Stage Two. Headteachers/line managers should explain that should their level of absence persist after a final two-month review period, a Stage Three - Final Review meeting will be convened and that this could result in their employment with the school being terminated on medical grounds.

22.3.3 The level of absence has not improved sufficiently:

- The process will move to a Stage Three Review meeting in cases where the Headteacher/line manager has exhausted all options available that might enable the employee to reach an acceptable level of attendance and where:
 - the level of short-term absence remains unacceptable, and/or
 - the steps taken at Review Stages One and Two have not secured the required improvement.
- In which case the Headteacher/line manager should explain that the result of the Stage Three – Final Review meeting could result in their employment with the school being terminated on medical grounds.

23. STAGE THREE – Final Review Meeting

23.1 Where all options have been considered during Stages One and Two of the formal process, the Headteacher/line manager should convene a Stage Three Final Review meeting to be chaired by a panel of Senior Trust Leaders or Trustees (See Sections 30 and 31). The employee will be informed of this meeting and giving five working days' notice and should be asked if they wish to be accompanied by a Trade Union representative or a workplace colleague at the meeting. The school or Trust HR Lead will attend this meeting also. Up to date Occupational Health advice should be sought before the Final Review Meeting.

23.2 The outcome of the Final Review Meeting will result in either:

- a written warning to remain on the employees personnel file for 12 months, or
- termination of employment.

24. Managing Long-Term Sickness Absence

24.1 When an employee is on sick leave for a period it is important that the Headteacher/line manager keeps in regular contact in order that the individual is supported, they do not feel isolated and that an accurate picture of the circumstances can be maintained. There is also an obligation on the part of the employee to keep their Headteacher/line manager updated regarding their health situation in line with the reporting procedures.

24.2 Long-term ill health can be a fair reason for terminating an employee's contract of employment. The legal background is that an employee who is absent from work due to ill-health may be fairly dismissed provided that fair and reasonable steps are taken.

25. Referral to the Occupational Health Adviser

- 25.1 A referral can be made by the Headteacher/line manager to the Occupational Health Adviser at any point during the period of sickness for a medical opinion on the employee's fitness to carry out their duties and advice on how to facilitate an early return to work wherever possible. This will normally be where the employee has been off sick for a continuous period of four weeks or in cases of stress, depression, and other similar conditions during the second week of absence (i.e. where they have met the triggers for further action).
- 25.2 Action taken to refer to the Occupational Health Adviser must be appropriate to the nature of the absence. If in any doubt Headteachers/line managers should seek advice from the school or Trust HR Lead for further guidance.

26. Employees unable to return to their normal duties due to a disability

- 26.1 If an employee becomes disabled because of illness, reasonable adaptations must be considered to avoid disability discrimination under The Equality Act 2010. See Appendix B for further details regarding reasonable adjustments.
- 26.2 Access to Work funding may be available to assist with reasonable adjustments required in the workplace. Whilst the Trust is not obliged to create a new position for an employee, if there is alternative work available which might be considered suitable, considering the individual's capabilities, they should be considered for re-deployment into this alternative position.
- 26.3 No decision to terminate the employee's contract should be taken without firstly consulting the Trust HR Lead.

27. Phased returns to work

- 27.1 In some circumstances, the Occupational Health Adviser may advise that a phased return to work is appropriate for employees returning from a period of long-term sickness absence. This will enable the employee to gradually build up their working hours and/or days and settle back into their normal working pattern.
- 27.2 Timescales for a phased return to work will be discussed in advance and medical advice sought to determine when the employee will be able to return to their normal working hours and/or days. The employee should submit a GP fit note confirming that they are fit to return to work. During the initial period of a phased return, the employee will be paid their normal contractual salary.
- 27.3 If a phased return extends beyond four working weeks, then the employee will be paid based on hours worked. If the staff member is an all-year-round employee and has already accrued annual leave, they may request this to make up any time that they are not at work.

28. Employees not fit to return to work

- 28.1 In cases of long-term absence where the employee is not expected to be fit to return to work within a reasonable timescale, and where any steps (e.g. reasonable adjustments) taken to support a return to work have been unsuccessful the Headteacher/line manager should discuss this with the employee and move to Stage Three – Final review meeting.

29. Retirement on the grounds of ill-health

- 29.1 In those circumstances where employees cannot return to work on grounds of ill health or cannot be found suitable alternative employment, they may be eligible for retirement on ill-health grounds. The pre-requirement for an application is that the employee is a member of the Local Government Pension or the Teachers Pension scheme.

- 29.2 This avenue will normally be explored before a formal Stage Three - Final Review meeting takes place, providing the medical information received thus far indicates that the employee may be incapable of returning to work for the foreseeable future.

- 29.3 The process of application is different for both pension schemes, but the school or Trust HR Lead will be able to advise you on the application process. The basis of the award is that the member of staff is permanently incapacitated or unable to carry out their employment duties due to illness.

29.4 **Out of service applications for ill Health Retirement**

- 29.4.1 The Trust HR Lead will assist the school in a referral to Occupational Health on behalf of the employee, for occupational health to confirm permanent incapacity and issue a permanent incapacity certificate. To do this, occupational health may need to: -

- conduct an independent medical assessment
- contact the ex-employee's GP
- contact the ex-employees treating specialist

- 29.4.2 The Trust reserves the right on whether it will meet the cost of such a referral. In circumstances where the employee is required to meet the cost, they will be asked to sign an agreement prior to the application being commenced.

29.5 **Termination of Employment on Grounds of ill Health**

- 29.5.1 Any decision to terminate the employment on medical grounds will be dealt with in accordance with the following process.

- 29.5.2 The final Stage Three - Review Meeting should be convened to discuss the situation once it is established that:

- an employee is medically unfit for their duties as confirmed by the Occupational Health Adviser, or

- there is no identified resolution to their sickness which is unsustainable, due to its impact on the provision of the service, or
- the procedure for managing short term absence has been followed and there has been no improvement in attendance at the end of the review period nor further evidence of a health problem has come to light.
- No reasonable adjustment is possible or any adjustments which have been put in place have failed.

29.5.3 If the Occupational Health Adviser determines that the employee will not be able to return to their normal duties, suitable alternative vacant posts within the Trust will be considered as a re-deployment opportunity before the Stage Three – Final Review meeting.

30. STAGE 3 - Final Review Meeting Process

30.1 The Stage 3 Final Review meeting shall be conducted by a panel of Senior Trust Leaders or Trustees, and they will be accompanied by the school or Trust HR Lead. The employee will be notified in writing at least ten working days ahead of the meeting and will have the right to be accompanied by a trade union representative or workplace colleague. The employee is required to provide the panel with any documentation they will be relying on at least five working days in advance of the meeting.

30.2 If an employee or Trade Union representative / workplace colleague are unable to attend the hearing because of illness or other unforeseen circumstances they should notify the relevant school or Trust HR Lead at the earliest opportunity and give full reasons. The hearing will be rearranged once at the earliest opportunity usually within five working days. However, if no reason is received or the employee, Trade Union representative or workplace colleague fails to attend a second time the hearing will proceed in their absence. The reason for non-attendance will be recorded.

30.3 In the event that the panel at the Stage Three – Final Review meeting decides to dismiss the employee; the employee will be entitled to receive their appropriate notice period (statutory or contractual whichever is the greater) and entitled to the right of appeal.

30.4 The employee will be notified in writing of the outcome Stage Three – Final Review meeting and their right of appeal, normally within five working days of the decision.

31. Right of Appeal

31.1 The right to appeal against termination of employment on the grounds of ill health is to a panel of Trust Executive Leaders or Trustees not previously involved in the case. Appeals must be lodged with the Trust, addressed to the Chair of the Appeals Committee within ten working days of the date of receipt of the letter notifying the outcome of the formal Stage Three – Final Review meeting, clearly stating the grounds for the appeal.

31.2 The appeal will be heard as soon as practical.

31.3 The appeal panel's decision will be final.

32. [Relevant Legislation](#)

Employment Rights Act 1996
Equality Act 2010
Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment)
Regulations 2010 (SI 2010/137)

33. [Policy Review](#)

This policy is due for review in May 2023.

Appendix A – Self Certificate of Absence Form

Inspire Partnership Trust Self-Certification of Absence Form (Sickness)

PERSONAL DETAILS

Employee No.		Surname	Forename(s) and Title

JOB DETAILS

Department	Job Title / Location:

DETAILS OF NON-ATTENDANCE

First day of non-attendance:	Reason for non-attendance:
Last day of non-attendance:	Date returned to work:

You are required to provide a Statement of Fitness to Work (medical certificate) if the non-attendance exceeds seven calendar days.

STATEMENT OF FITNESS TO WORK ATTACHED:

Employees are responsible for submitting their Statement of Fitness to Work (medical certificate) to their Headteacher/Line Manager as soon as possible following issue by the GP. Failure to provide a Statement of Fitness to work in a timely manner may lead to loss of pay.

Section to be completed by the line manager at the Return-to-Work Meeting:

Has the employee fully recovered?	
If not please, provide further details on next steps and confirm what support will be provided.	
No of off sick have you had in the last 12 months?	
Please confirm whether an interview is required under Stage One of this policy.	

If this period of non-attendance is due to an accident whilst the employee was ON DUTY an Accident Report and a Management Investigation Report must be attached to this form by the Line Manager.

The Trust Chief Operating Officer must also be informed of this incident.

ACCIDENT REPORTS ATTACHED:

SCHOOL / TRUST INFORMED:

<p><i>I declare that the above statement is true and accurate to the best of my knowledge. I understand that to give false or misleading information can result in disciplinary proceedings, which may lead to dismissal.</i></p>	<p>Signed (Employee)..... Date:</p>
<p>Signed (Line Manager): Date:</p>	
<p>Print name (BLOCK CAPITALS):</p>	

APPENDIX B - Supporting an Employee who Becomes Disabled

Making reasonable adjustments

Under the Equality Act 2010, disabled employees are protected against discriminatory treatment that occurs for a reason related to their disability. One of the key duties under the Act for employers is to make reasonable adjustments to working arrangements, working practices and premises.

Reasonable Adjustments

Should an existing employee become disabled an employer can help practically by considering what reasonable adjustments could be made to accommodate the employee's needs and ensure they are successfully retained in employment. The employee may have suggestions, which you should of course consider, but it remains your responsibility to identify and implement any adjustments. An employee may also need counselling or other advice and information, this can be accessed by contacting the EAP service on 0800 030 5182 or via email at www.healthassuranceap.com (username – IPAT; password – EAP).

Some examples of these reasonable adjustments include in no particular order:

- altering premises, e.g., widening a doorway, providing a ramp, stair-climbing chairs or non-slip flooring, moving furniture, altering lighting, or providing parking spaces for drivers with disabilities.
- allocating some duties to another employee, within the working environment.
- transferring the person to fill an existing vacancy via a redeployment process, e.g., if an employee becomes disabled and there is no reasonable adjustment which can enable them to continue in their post they might be considered for another suitable post within the Trust.
- altering working hours, e.g., allowing an employee who becomes disabled to work part-time or to job share.
- changing the person's place of work.
- allowing absences during working hours for rehabilitation, assessment, or treatment, e.g., allowing an employee who becomes disabled time off during work to receive physiotherapy or other treatment.
- supplying additional training, e.g., training in the use of pieces of equipment unique to the disabled person.
- acquiring or making changes to equipment, e.g., a visible fire alarm system, an adapted telephone, a specific software package etc.
- Providing a reader or signer, e.g., reading information to a visually impaired person at particular times during the working day.
- When planning changes to buildings or practices, management should, as a matter of good practice, consider the possible needs of new employees with disabilities, impairments or long-term health conditions and existing employees who may develop them in the future.

Access to work programme (AtW)

Access to Work can provide advice and practical support to disabled people and their employers to help overcome work related obstacles resulting from a disability. AtW can also agree to pay a grant, through Jobcentre Plus (Dept for Work and Pensions), towards extra employment costs resulting from a disability. This can help pay for special equipment or alterations to existing equipment to suit work needs arising from a disability or alterations to premises or working environment, if needed because of disability.

Further information about this programme can be found on the Government's website
<https://www.gov.uk/access-to-work>