



**Mission Statement**  
 “A Caring Christian Family Where We Grow Together”

# STAFF SICKNESS MANAGEMENT PROCEDURE

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**Review Date:** March 2024 Biennial

Review Date	Signed Head Teacher	Signed Director RCSAT
06/09/2018	<i>A. L. J. J. J.</i>	<i>P. Bartlett</i>
20/09/2019	<i>A. L. J. J. J.</i>	<i>P. Bartlett</i>
25/10/2020	<i>J. M. Badger</i>	<i>P. Bartlett</i>
28/02/2022	<i>J. M. Badger</i>	<i>P. Bartlett</i>

Persons Responsible for Policy:	Executive Headteacher RCSAT
Approval Date	01/04/2017
Signed:	Director RCSAT
Signed:	Executive Headteacher RCSAT



## 1. General Principles

- 1.1. The general principles of this procedure are:
- 1.1.1. The procedure will be applied objectively to all employees and is designed to ensure that all employees are treated consistently and in accordance with the Equal Opportunities and Diversity Policy.
  - 1.1.2. Principals/line managers will ensure that all employees are made aware of the school's Managing Sickness Absence Policy and Procedure.
  - 1.1.3. The management of short-term sickness absence requires a different approach to managing long-term sickness absence. Accordingly, two separate approaches are outlined within this procedure.
  - 1.1.4. No action should be initiated by the Chair of RCSAT against a Principal/EHT for sickness absence without first referring the matter to the HR Director at Rural Church Schools Academy Trust.
  - 1.1.5. Any decision to initiate the formal stages of this procedure will be taken only after full investigation and with proper safeguards for the employee.
  - 1.1.6. Each employee has the right to be represented by a recognised Trade Union official or by a work colleague of their choice.
  - 1.1.7. All employees have the right of appeal against any action taken against them at stage 2 of this procedure.

## 2. Confidentiality

- 2.1. All information about any employee's medical or personal situation must be treated with sensitivity and in strict confidence. Managers will only reveal information on a genuine 'need to know' basis and with the employee's agreement. Any breach of confidentiality may result in disciplinary action.

## 3. Disability

- 3.1. The Equality Act 2010 makes it unlawful for the school to unjustifiably treat a person with a 'protected characteristic', such as a disability, less favourably than a person who does not have a disability for any reason related to the person's disability. Disability must not be equated with poor health.
- 3.2. The Act also requires employers to consider all reasonable adjustments in the school which would enable an employee to continue working. Therefore, the school will ensure that all reasonable adjustments are fully considered.

**Note:** The definition of disability according to the Equality Act is 'A physical or mental impairment which has a substantial and long-term negative effect on his or her ability to carry out normal daily activities'.

'Substantial' is more than minor or trivial, eg it takes much longer than it usually would to complete a daily task like getting dressed.

'Long-term' means 12 months or more, eg a breathing condition that develops as a result of a lung infection.

There are special rules about [recurring or fluctuating conditions](#), eg arthritis.

## 4. Absence through Alcohol or Drug Misuse

- 4.1. Where poor attendance is related to alcohol or drug use, the Principal shall refer to the Drug and Alcohol Policy and, where necessary, seek advice from the HR Team at RCSAT.

## 5. Stress

- 5.1. Stress has been identified as one of the major causes of under performance at work. The school is committed to providing an environment where employees are able to offer the maximum contribution.
- 5.2. To prevent or minimise stress within schools, the following actions shall be taken by the school and RCSAT:

- 5.2.1. Health & Safety risk assessments will be carried out on a regular basis and documented to include risk of stress. There are two forms: a [Stress Risk Assessment Questionnaire for the Employee](#) and a [Stress Risk Assessment Questionnaire for the Principal](#).
- 5.2.2. Offer a confidential helpline to The Occupational Health Service, where this is possible.
- 5.2.3. Provide training and support to managers on how to identify stress and possible strategies to reduce stress.
- 5.2.4. Support employees who draw problems of stress to the attention of their manager. In conjunction with the employee, draw up a plan of action to reduce the levels of stress.
- 5.2.5. Conduct and document 'return to work' interviews as appropriate and follow up where necessary.

## 6. Pregnancy Related Absence

- 6.1. It is recognised that a pregnancy may result in various medical absences at different stages and the school will treat these sympathetically.
- 6.2. No action under the provisions of this procedure will be taken against a female employee who is absent from work due to a pregnancy related illness.
- 6.3. Absence levels will continue to be monitored and where the school has concern about the reasons or lengths of absence, they reserve the right to formally investigate the nature and causes of these absences.
- 6.4. Absence in the 4 weeks leading up to the start of maternity leave may result in maternity leave starting early at the request of the employer. For further details see the Maternity Leave Policy.

## 7. Right to Access

- 7.1. Employees have a right to have access to any medical information, records or notes held about them. They are entitled to request and receive copies of any Occupational Health medical reports.

## 8. Accident Reporting

- 8.1. All workplaces are under a statutory obligation to report certain categories of accidents that occur in the workplace. Therefore all accidents or injuries that occur on the school premises must be recorded appropriately.

## 9. Industrial Injury or Disease

- 9.1. Following the identification of an industrial injury, the school must contact the EHT at RCSAT, who will conduct an investigation into the causes of the injury.
- 9.2. The findings will be reported to the Chair of Trustees at RCSAT, who will be responsible for reporting the matter to the Trust insurers, where appropriate.
- 9.3. For employees who suspect they have contracted an industrial disease, the advice of the Occupational Health Service will advise the school on whether the employee should refrain from school duties. The employee would normally expect to continue school duties pending receipt of guidance from the Occupational Health Service.

## 10. Roles and Responsibilities

- 10.1. Principals and Other Managers. In respect of any employee they manage, Principals and other line managers are responsible for:
  - 10.1.1. Ensuring levels of absence are monitored across the school.
  - 10.1.2. Using "rolling" years to monitor sickness absence.



- 10.1.3. Identifying any absence problems and assisting in meeting targets for levels of attendance.
  - 10.1.4. Conducting return to work interviews as appropriate.
  - 10.1.5. Discussing absence with the employee concerned and setting standards.
  - 10.1.6. Seeking advice from HR on the employment law aspects of sickness absence, with special reference to an employee's rights under the Equality Act 2010.
  - 10.1.7. Ensuring that the statutory requirements to report any accident/injury are complied with.
  - 10.1.8. Ensuring that any infectious diseases are brought to the attention of RCSAT and the Occupational Health Service.
  - 10.1.9. Initiating formal action under the sickness absence procedure and ensuring the correct procedure is followed.
  - 10.1.10. Keeping notes of all meetings.
  - 10.1.11. Communicating and confirming agreed actions covered by this procedure to the employee.
  - 10.1.12. Ensuring that all correspondence regarding the employee's absence is recorded, processed and stored in line with the principles of The Data Protection Act 2018.
  - 10.1.13. Consulting with Governors as appropriate.
- 10.2. Employees. It is the responsibility of all employees to:
- 10.2.1. Achieve the highest level of attendance possible.
  - 10.2.2. Report any sickness absence to the school in accordance with the school's absence reporting policy.
  - 10.2.3. Attend a return to work interview with their manager on their first day of return as appropriate.
  - 10.2.4. Complete a school self certification form for sickness absence covering days of absence for first seven calendar days.
  - 10.2.5. Submit a doctor's certificate for absence of eight calendar days (including Saturday and Sunday) or more and immediately submit further certificates on the expiry of the previous certificate. Failure to do so may lead to disciplinary action (see the Disciplinary Policy).
  - 10.2.6. Attend a medical examination with the Occupational Health Service, if required.
  - 10.2.7. Report any accident or injury suffered in the course of their work immediately and ensure the accident has been recorded in the accident book.
  - 10.2.8. Notify the manager if any infectious disease occurs in the home, where the employee is living. Following advice from the Occupational Health Service, the employee will be advised on whether they can continue with school duties.
  - 10.2.9. Provide a doctor's certificate showing the date for fitness to return to work where a member of staff is on sick leave immediately preceding a school closure but recovers during the period of closure (and has exhausted their sick pay entitlement and is entitled to less than full sick pay).
  - 10.2.10. Co-operate with any investigation into their absence.
  - 10.2.11. Demonstrate the level of commitment required to improve their absence levels.
- 10.3. Occupational Health
- 10.3.1. The role of Occupational Health is to advise the school on any clinical issues affecting an employee's performance and attendance. A referral to the Occupational Health Service will normally be initiated where an employee is subject to a formal absence review at stage 1 of the procedure.
  - 10.3.2. Circumstances which may lead to a referral include:



- 10.3.2.1. Levels of absence which have prompted a review.
  - 10.3.2.2. A need to identify if there is an underlying medical condition or disability.
  - 10.3.2.3. A need for information and advice about an employee's medical condition.
  - 10.3.2.4. An employee raising concerns about their health and the working environment.
  - 10.3.2.5. An accident in the workplace.
  - 10.3.2.6. A return to work following a long-term absence.
  - 10.3.2.7. A need for information and advice on any temporary or permanent adjustments including the suitability of redeployment, which would enable the employee to return to work.
  - 10.3.2.8. A need for information and advice on disability and reasonable adjustments.
  - 10.3.2.9. The likely duration of an absence and when the employee will be fit to return to work.
  - 10.3.2.10. Ill health retirement.
- 10.3.3. At any time the employee may seek independent medical advice.

10.4. Human Resources Providers Human Resources Providers shall:

- 10.4.1. Advise and support Principals and other school managers, attending any meetings as deemed appropriate.
- 10.4.2. Ensure the sickness absence procedure is correctly followed.
- 10.4.3. Act as an advisor at all formal stages of the procedure.
- 10.4.4. Ensure the employee is kept fully informed of their rights at all times.

## 11. Reporting Absence

- 11.1. Principals shall ensure that all employees understand the requirements of how to notify the school when they are unable to attend work.
- 11.2. Failure to comply with the school's absence reporting procedures may result in disciplinary action.

## 12. Procedure

- 12.1. Employees shall follow the local school procedure to report absence as early as possible on the first day of absence. When reporting absence they must state:
  - 12.1.1. the nature of the absence, and
  - 12.1.2. when they expect to attend work again.
- 12.2. Unless otherwise agreed by the Principal, this method of notification shall be repeated on each subsequent day of sickness absence.
- 12.3. Failure to follow this notification procedure may result in the absence being recorded as unauthorised.

## 13. Certification

- 13.1. As soon as the employee returns to work a school self-certification form shall be completed, detailing the reasons for all absence up to and including seven consecutive calendar days.
- 13.2. For an absence of 8 consecutive calendar days or more, the employee shall provide a doctor's certificate.

## 14. Unauthorised Absence

- 14.1. Failure by an employee, without good reason, to comply with this procedure shall be fully investigated by the line manager.
- 14.2. Where the absence is deemed to be unauthorised, pay shall be withheld for the relevant period and consideration given to the initiation of disciplinary proceedings.



14.3. The employee concerned shall be notified in writing of the action that will be taken.

## 15. Monitoring Sickness Absence

- 15.1. To ensure any action taken against an employee for unacceptable levels and/or a repeated pattern of absence is appropriate, it is important that an accurate and consistent method of monitoring has taken place.
- 15.2. Effective monitoring of sickness absence is dependent on the effective recording of absence, in accordance with the agreed procedure.
- 15.3. As part of an employee's induction training, they shall be advised of the notification procedure and their entitlements to sickness benefits.
- 15.4. Sickness absence levels are reviewed on a regular basis and the school reserves the right to request a meeting with an employee where this review process highlights particular concerns about their absence levels.
- 15.5. It is the responsibility of the Principal to determine whether formal action shall commence. This decision shall be based on the cause, amount and frequency of absence.

**Note:** Rural Church Schools Trust is guided by the Secretary of State for Education national targets for average periods of absence for full time teachers per annum which can be obtained from the DfE. Absence that is above the average needs to be managed.

## 16. Short-Term Absence

- 16.1. For the purpose of this procedure, short-term absence has been defined as follows:
  - 16.1.1. Occasional short-term absence
  - 16.1.2. Recurrent short-term absence where the causes differ and are apparently unrelated, or
  - 16.1.3. Recurrent short-term absence with an underlying medical condition.
- 16.2. Whilst there is no legally defined point at which short-term absence becomes long-term absence, schools are recommended to classify all absence which is for a period of less than 4 weeks as short-term.

## 17. Procedure

### 17.1. Return to Work Interview / Informal Meeting

- 17.1.1. It is strongly recommended that every employee returning from sickness absence should, receive a return to work interview on their first day of return with their manager. This would not normally be a formal meeting.
- 17.1.2. The aim of this interview/informal meeting shall be to:
  - 17.1.2.1. ensure the employee is fit to return to work,
  - 17.1.2.2. help to identify the causes of absence and any underlying problems that an employee may be experiencing,
  - 17.1.2.3. make the employee feel that they are valued, their absence was noticed and that they were missed,
  - 17.1.2.4. update the employee on anything they need to know,
  - 17.1.2.5. signal to the employee that absence (and therefore attendance) is a high priority issue for the school,



- 17.1.2.6. ensure the absence is recorded and the relevant documentation is completed, with a note sent to the employee as appropriate, and
- 17.1.2.7. discuss overall absence levels and whether the recommended target (as agreed at an earlier meeting) of absence has been exceeded.

17.1.3. At this stage of the procedure a member of staff, teaching or support, may be represented by a Trade Union Representative or by a work colleague, always providing that the person does not have direct line management responsibilities for the member of staff. The member of staff should be informed of this right before any meeting takes place. Any notes produced as a result of this meeting will be forwarded to the employee.

17.1.4. In the case of the Principal/EHT the interview will be conducted by the Chair of Trust.

17.1.5. A copy of any notes will be kept on the employee's personal file.

17.1.6. Following this interview/informal meeting, the manager interviewing the employee may decide that the current level of absence gives cause for concern and may therefore feel the issue needs to be addressed by a more formal procedure.

## 17.2. Formal Attendance Review – Stage 1

17.2.1. Where a decision has been taken to move to a formal attendance review, the Principal or a senior manager shall lead this review. I

17.2.2. It is recommended that wherever possible this review should be undertaken by a senior manager, leaving the Principal free to participate in any subsequent stages of the procedure. (More than one review meeting may be held at this stage).

17.2.3. The aim of the attendance review is:

- 17.2.3.1. to explain why absence levels are giving cause for concern,
- 17.2.3.2. to identify any underlying reasons for the absence which were not identified during the return to work interviews, and
- 17.2.3.3. for the employee to present evidence on why the absence level is above that which is acceptable to the school.

17.2.4. The employee has the right to be accompanied by a Trade Union representative or a work colleague of their choice, who does not normally have any line management responsibility for the employee concerned.

17.2.5. A member of the HR Team, if requested by the manager, may also be in attendance.

17.2.6. At least 5 working days notice must be given for attendance at this meeting.

17.2.7. It may be appropriate to adjourn the meeting in order to collate further information or to consider the absence in light of the responses provided by the employee or their representative.

17.2.8. At the end of the formal attendance review, one of the following options may be actioned:

- 17.2.8.1. The manager is satisfied with the response from the employee or representative that the level of absence will not continue and no further action is necessary. However, it may be appropriate to set a review date to ensure the level of promised improvement has been achieved, or
- 17.2.8.2. A letter will be issued outlining that the level of absence is unacceptable and unless identified improvements are achieved within an agreed timeframe, the next stage of the procedure will be initiated.

17.2.9. Depending on the type of illnesses causing the absences, the employee may be referred to the Occupational Health Service.



17.2.10. Following the formal attendance review, the decision of the meeting will be confirmed in writing within 5 working days and will contain:

- 17.2.10.1. a summary of the main points raised at the attendance review,
- 17.2.10.2. a response to any specific points made by the employee / the representative, including any conclusions reached or points of disagreement,
- 17.2.10.3. a summary of any guidance or arrangements for support agreed, and the arrangements for further monitoring and review meetings,
- 17.2.10.4. an explanation for any referral to the Occupational Health Service, if applicable,
- 17.2.10.5. and any action taken and agreed timescales for improvement.

### 17.3. Formal Attendance Review – Stage 2

- 17.3.1. Where concerns persist and a satisfactory level of attendance is not achieved within agreed timescales, the Principal or line manager shall inform the employee that the matter will now be referred to the next stage, that of a stage 2 formal hearing.
- 17.3.2. The employee shall be informed that they have a right to be accompanied by a trade union representative or work colleague.
- 17.3.3. This meeting shall comprise 3 Governors.
- 17.3.4. The Principal or line manager shall present the evidence of poor attendance.
- 17.3.5. The meeting shall be set at the earliest possible convenient date, but normally by no later than 10 working days following the decision to move to stage 2.
- 17.3.6. Details of the case and notification of any witnesses to be called shall be circulated to all parties at least 10 days before the hearing.
- 17.3.7. The employee shall be invited to submit documentation and details of all witnesses, as appropriate. This must be provided at least 5 days before the hearing.
- 17.3.8. At the hearing, the manager shall detail the level of absence that has given cause for concern and refer to any documentation that has been circulated prior to the meeting, including any medical reports.
- 17.3.9. The employee (or representative) shall have the opportunity to present evidence explaining why their level of absence is at a level of formal concern and what action they have taken / will take to reduce it to an acceptable level.
- 17.3.10. In deciding what type of action to take, the Chair of the panel, in consultation with the other panel member, will review:
  - 17.3.10.1. The employee's length of employment.
  - 17.3.10.2. The general work performance.
  - 17.3.10.3. The record and pattern of absence.
  - 17.3.10.4. Whether there is an underlying illness or any other issues raised by the Occupational Health Service.
  - 17.3.10.5. The likelihood of an improvement in attendance.
  - 17.3.10.6. The level of support given to the employee.
  - 17.3.10.7. The problems caused by the employee's absence.
  - 17.3.10.8. The attitude and response of the employee in recognising and addressing the impact of their absence.
  - 17.3.10.9. The needs of the school and the best interests of the employee concerned.
- 17.3.11. In light of the above considerations, the panel may take one of the following actions:





- 17.3.11.1. Decide no further action is required at this stage.
- 17.3.11.2. Set a date, by which the employee's attendance levels must improve. The employee will be advised in writing that the job is at risk if the required improvement is not achieved. The panel will then consider the whole case at a further attendance review hearing and reach a final decision, or
- 17.3.11.3. Dismiss the member of staff concerned.
- 17.3.12. The Chair of the panel will normally confirm the decision in writing within 5 working days of the meeting. Where dismissal is the agreed decision, the letter must include reasons for dismissal, the date employment will terminate and the right of appeal.

#### 17.4. Stage 3 – Appeals

- 17.4.1. An employee has a right of appeal against action taken as a result of a formal attendance meeting at stage 2 of the procedure.
- 17.4.2. Written notice of appeal must be submitted to the Chair of Trust (and copied to the Director of HR) within five working days of being notified of the outcome of stage 2 of the procedure.
- 17.4.3. The Chair of Trust shall send a copy to the HR Business Partner at RCSAT who will attend (or send a designated Officer) to advise the appeal panel.
- 17.4.4. Details of the case and notification of any witnesses to be called shall be circulated to all parties at least 10 days before the hearing.
- 17.4.5. The employee will be invited to submit documentation and all witnesses as appropriate. This must be provided at least 5 days before the hearing.
- 17.4.6. It is recommended that the panel shall comprise 3 Governors, however, given the variation in the size of governing bodies, it may not always be possible to achieve this. Therefore, where necessary, the stage 2 panel will (with the consent of both parties) comprise 2 Governors who had not previously been involved in the case.
- 17.4.7. The RCSAT shall be represented at appeal hearings.
- 17.4.8. The purpose of an appeal is for the employee to request the overturning of a decision, which they deem as unfair or unreasonable. For this reason, appeals must be lodged for any of the following reasons:
  - 17.4.8.1. The action was too severe.
  - 17.4.8.2. There is new evidence available.
  - 17.4.8.3. The procedure was not followed.
- 17.4.9. The panel may also wish to review the advice from Occupational Health.
- 17.4.10. The decision of the appeal panel shall be final and binding on all parties concerned and shall be confirmed in writing within 5 days of the hearing.
- 17.4.11. It is the responsibility of the school to retain all relevant records for a period determined by the panel.

## 18. Long-Term Absence

- 18.1. For the purpose of this procedure, long-term absence has been defined as follows:
  - 18.1.1. Absence for a period exceeding 4 weeks and where there is no expected return to work.
  - 18.1.2. Where the actual and anticipated future health of the employee makes a return to their current role very unlikely.
  - 18.1.3. Recurrent long-term absence with an underlying medical condition.



- 18.2. It is recognised that an employee facing a substantial period of absence from work due to ill health will be feeling particularly anxious and vulnerable.
- 18.3. School managers will need to be sensitive to these feelings and provide support and reassurance wherever possible.
- 18.4. One critical way of alleviating these concerns is by ensuring contact is maintained with the employee concerned. Home visits may be made, but only with prior arrangement with the employee.
- 18.5. It may be appropriate that this contact is made through the appropriate Trade Union official or a member of the family, dependent on the particular circumstances surrounding the illness.
- 18.6. Whilst any initial meeting will be of an informal nature, it may be appropriate to formalise the contact where the long-term absence falls within one of the definitions outlined above.
- 18.7. As with short-term absence, there is a need to follow a consistent procedure in managing employees who are on long-term sickness absence. At all stages, the manager/Principal shall advise the employee of their rights.

## 19. Procedure for Long-term Sickness Absence

### 19.1. Formal Review – Stage 1

- 19.1.1. Where a decision has been taken to move to a formal procedure for dealing with a long-term sickness absence, the Principal or line manager shall invite the employee to a meeting at the school to discuss the situation. It is recommended that wherever possible this meeting should be undertaken by a senior manager, leaving the Principal free to participate in any subsequent stages of the procedure.
- 19.1.2. Dependent on the individual circumstances and subject to the employee's agreement, it may be appropriate to conduct this meeting off the school premises. However, the employee concerned may wish for the meeting to go ahead in their absence at the school and they may authorise a third party to represent them. The school must receive written authorisation from the absent employee before this meeting can take place.
- 19.1.3. Whilst every effort will be made to conduct the meeting in the presence of the employee or for third party representation in their absence, the school reserves the right for the meeting to continue in the absence of either the employee or their representative.
- 19.1.4. The employee will have the right to be accompanied by their trade union representative or a work colleague of their choice, who does not normally have any line management responsibility for the member of staff concerned. Someone from the HR Team may also be in attendance. At least 5 working days notice must be given for attendance at the formal review.
- 19.1.5. At the end of the formal review, one of the following options may be actioned:
  - 19.1.5.1. The employee is able to indicate an anticipated date of return in the near future that is acceptable to the school. No further action will be required other than the normal monitoring of sickness absence.
  - 19.1.5.2. The employee is unable to provide an anticipated date of return, but general improvement in health would seem to indicate a return to work is possible in the medium-term. A date for a further review meeting will be set at which the situation will be reviewed.
  - 19.1.5.3. The employee is unable to provide an anticipated date of return and there is general concern about the possibility of returning to work to undertake the full range of roles and responsibilities. If this is the situation, the matter must be referred to the Occupational Health Service for a comprehensive medical assessment.



19.1.6. Following the formal review, the decision of the meeting will normally be confirmed in writing within 5 working days.

## 19.2. Formal Review – Stage 2

- 19.2.1. Where the long-term absence of an employee continues due to the nature of the illness (and confirmed by the Occupational Health Service) or the agreed plan of action from stage 1 has not resulted in a return to work, the Principal or line manager shall inform the employee that the matter will now be referred to the next stage, that of a formal stage 2 hearing.
- 19.2.2. This meeting shall normally comprise a panel of 3 Governors. Where the Principal has not been involved in the process, the panel may be 2 Governors and the Principal, consist of the Principal (who will chair the meeting) and a Governor other than the Chair of Trust. Where the Principal conducted previous meetings under the procedure, the panel will consist of two Governors, other than the Chair of Trust, one of whom will be nominated to chair the meeting.
- 19.2.3. This panel shall be advised by an HR representative.
- 19.2.4. The manager shall present the evidence of poor attendance.
- 19.2.5. The meeting shall be set at the earliest possible convenient date, but by no later than 10 working days following the decision to move to stage 2.
- 19.2.6. Details of the case and notification of any witnesses to be called shall be circulated to all parties at least 10 days before the hearing. The employee shall be invited to submit documentation and all witnesses as appropriate. This must be provided at least 5 days before the hearing.
- 19.2.7. Dependent on the individual circumstances, the employee may wish for the meeting to go ahead in their absence at the school and they may authorise a third party to represent them. The school must receive written authorisation before the meeting can commence. Should the member of staff be unwilling to attend the meeting or authorise a third party to represent them, the meeting will be held in their absence.
- 19.2.8. At the hearing, the line manager shall detail the nature of the long-term sickness and refer to any documentation, including the report by the Occupational Health Service that has been circulated prior to the meeting.
- 19.2.9. The employee (or representative) shall have the opportunity to present evidence explaining the reasons for their long-term sickness absence and the steps proposed for a return to work.
- 19.2.10. After hearing the evidence from both parties, the Chair of the panel, in consultation with the other panel member, will take one of the following actions:
- 19.2.10.1. Decide no further action is required at this stage.
- 19.2.10.2. Agree that a phased return to work is possible and agree a plan of action with the member of staff to achieve this stated goal.
- 19.2.10.3. Agree that a further review period would be appropriate, after which there would be a further hearing before the same panel (if possible), or
- 19.2.10.4. Decide that the employee is unable to return to work or is unfit to carry out the duties for which they are employed and should be dismissed on grounds of incapability.
- 19.2.11. The Chair of the panel will normally confirm their decision in writing within 5 working days of the meeting. Where dismissal is the agreed decision, the letter must include reasons for dismissal, the date employment will terminate and the right of appeal.



### 19.3. Stage 3 – Appeals

- 19.3.1. An employee has a right of appeal against action taken as a result of a formal meeting at stage 2 of this procedure. Written notice of appeal must be submitted to the Chair of Trust within five working days of being notified of the outcome of stage 2 of the procedure.
- 19.3.2. The Chair of Trust shall send a copy to the HR Director at Rural Church Schools Academy Trust who will attend (or send a designated Officer) to advise the appeal panel.
- 19.3.3. It is recommended that the panel should consist of 2 Governors.
- 19.3.4. RCSAT shall be represented at appeal hearings by a designated representative member of Human Resources.
- 19.3.5. The purpose of an appeal is for the employee to request the overturning of a decision, which they deem unfair or unreasonable. For this reason, appeals can only be lodged for any of the following reasons:
- 19.3.5.1. The action was too severe.
- 19.3.5.2. There is new evidence available.
- 19.3.5.3. The procedure was not followed.
- 19.3.6. The panel may wish to obtain independent medical advice (see guidance notes).
- 19.3.7. The decision of the appeal panel shall be final and binding on all parties concerned, and shall normally be confirmed in writing within 5 days of the hearing.
- 19.3.8. It is the responsibility of the school to retain all relevant records for a period determined by the panel.

## 20. Sick Pay Entitlements

- 20.1. For Teaching Staff Pay (less entitlement to statutory sick pay) will be granted in accordance with the following table. Entitlement is dependent on the previous service as recognised for salary assessment.

For sickness during ...	Full Pay*	Half Pay*
First term	25	Nil
2 <sup>nd</sup> and 3 <sup>rd</sup> term	50	50
2 <sup>nd</sup> year	50	50
3 <sup>rd</sup> year	75	75
4 <sup>th</sup> to 7 <sup>th</sup> year	100	100
8 <sup>th</sup> to 13 <sup>th</sup> year	111	111
14 <sup>th</sup> to 19 <sup>th</sup> year	122	122
Thereafter	133	133

\*maximum entitlement in working days

- 20.1.1. During absence extending into or occurring within a school holiday period a teacher shall receive pay at the rate due on the last day of the term.

### 20.2. For Support Staff

For sickness during ...	Full Pay*	Half Pay*
First 4 months	1 month	Nil

5 <sup>th</sup> to 12 <sup>th</sup> month	1 month	2 months
2 <sup>nd</sup> year	2 months	2 months
3 <sup>rd</sup> year	4 months	4 months
4 <sup>th</sup> and 5 <sup>th</sup> year	5 months	5 months
Thereafter	6 months	6 months

## 21. Medical Redeployment or Retirement

- 21.1. Any employee who is deemed to be permanently unfit for work will leave the school's service in a managed and supported way, with any pension benefits to which they are entitled.
- 21.2. In managing medical redeployment or retirement, all staff shall be treated equally and consistently. Medical redeployment and retirement will not be applied as a punitive or disciplinary measure.
- 21.3. The school shall always endeavour to:
- 21.3.1. Monitor and support staff on long-term sickness absence.
  - 21.3.2. Promote and liaise with the Occupational Health Service, keeping staff advised of the process.
  - 21.3.3. Make reasonable adjustments to existing jobs and workplaces to achieve a return to work wherever possible.

## 22. Procedure for Medical Redeployment or Retirement

- 22.1. Following an employee being assessed by Occupational Health, a report shall be sent to the Principal. In the case of a Principal, this shall be sent to the Chair of Trust.
- 22.2. Where Occupational Health advice is that the employee is fit for normal duties, they should return to work upon expiry of the current medical certificate. The report may recommend a phased return to work and/or light or limited duties for a limited period.
- 22.3. In situations where Occupational Health recommends a phased return to work, every reasonable assistance shall be provided to the employee to facilitate this.
- 22.4. Phased returns to work shall be agreed within a specific timescale and the employee's progress shall be reviewed by the line manager at mutually regular intervals throughout the period.
- 22.5. Where the advice is that the employee is unfit for normal duties, Occupational Health may advise the following:
- 22.5.1. That a further review is required.
  - 22.5.2. An estimated date of return.
  - 22.5.3. An indication that further medical information is required from the GP.
  - 22.5.4. All advice received from a GP or Occupational Health is shared with the employee.
- 22.6. Where Occupational Health advice is that the employee would be able to return to work in another job or the same job if certain changes were made, a meeting should be arranged with the employee in order to discuss the implications of this advice.
- 22.7. The employee shall be advised of the following:
- 22.7.1. That consideration will be given to restructuring or modifying working arrangements to accommodate the medical advice.
  - 22.7.2. That, where this is not appropriate or reasonable, a search for alternative work will be undertaken, and



- 22.7.3. That any suitable job identified will be subject to a trial period on either side (usually this fixed period would not extend beyond 3 months) during which time suitability will be assessed by both the employee and the manager, including monitoring of sickness absence levels.
- 22.8. Where the school is unable to restructure or modify working arrangements, or to find suitable alternative work, and where Occupational Health has not assessed their ill-health as permanent, the employee may be dismissed on the grounds of incapacity and there would be no entitlement to immediate pension benefits.
- 22.9. Where Occupational Health has found an employee permanently unfit to remain in the school's employment, they must be advised that they are to be retired on grounds of permanent ill-health and advised of any ill-health pension benefits. They must also be advised of the following:
  - 22.9.1. That they will be issued with contractual or statutory notice, whichever is longer.
  - 22.9.2. The pay arrangements during their period of notice.
  - 22.9.3. That they have a right to seek independent medical advice, and
  - 22.9.4. That they have the right of appeal.

### 23. Appeal

- 23.1. Any employee dismissed on the grounds of ill-health or incapacity has the right to appeal.
- 23.2. Where the dismissal is on the grounds of ill-health the appeal arrangements are set out in this (Managing Sickness Absence Policy) document. Where the dismissal is on the grounds of capability please refer to the [Capability Policy](#).

### 24. Further Information

- 24.1. Further information and advice may be obtained from Resources at RCSAT.

