

Sickness Absence Policy

(TPO/STA/13)

Associated Policies

- Adoption (TPO/STA/01)
- Maternity (TPO/STA/04)
- Parental Leave (TPO/STA/06)
- Paternity (TPO/STA/07)
- Special Leave of Absence (TPO/STA/14)
- Disciplinary Procedure (TPO/STA/22)
- Probationary Policy (TPO/STA/32)

Review Periods

Last reviewed: July 2024

Next review: July 2025

Contents

Policy Statement 3

Scope 3

Roles and responsibilities 4

Procedure for reporting sickness absence 5

Return-to-work meeting 6

General return-to-work arrangements and risk assessments 7

Phased return to work 7

Supporting colleagues with medical conditions 8

Disability-related absence 8

Maintaining contact during sick leave 8

Support for physical and mental health 9

Wellbeing support during the sickness absence procedure 9

Attendance at meetings 10

Medical advice 10

Medical suspension 10

Procedure for managing short-term sickness absence 11

 Informal absence review meeting 11

 Formal absence review meetings 12

 During formal absence review meeting 14

 Possible outcomes 14

Procedure for managing long-term sickness absence 17

 Informal review 17

 Possible outcomes of informal review 17

 Stage 1 - Formal ill health capability review 18

Statutory sick pay and occupational sick pay 21

Work-related injuries or illness 22

Holidays and sick leave 22

Pension contributions during sickness absence 22

Absence caused by a third party 22

Pregnancy-related absence 22

Menopause-related absence 23

Elective surgery and gender reassignment 23

Unauthorised absence and false information 23

Data protection 24

Monitoring arrangements 24
Document control..... 24

Policy Statement

The Brooke Weston Trust values all its employees and recognises that they are its most valuable asset. The Trust wishes to proactively support those employees who are sick, whilst maintaining an acceptable level of staff absence to ensure that we are meeting the needs of the children in our schools.

This policy aims to:

- Set out the Trust’s approach to staff sickness, including the procedures for reporting sickness and how we manage sickness absence fairly
- Set out the process to be taken when an employee is incapable of carrying out their job role due to a long-term illness or disability
- Support all parties in managing staff sickness and absence effectively and consistently, to ensure a fair and transparent approach across the Trust that complies with our duties under the Equality Act 2010
- Help create and maintain a happy and healthy working culture in which staff are encouraged to look after their physical and mental wellbeing

This policy is non-contractual and may be amended from time to time.

The absence procedures within this policy have been implemented following consultation with trade union representatives, and the application of the policy will be monitored with recognised trade unions.

Scope

The Sickness Absence Policy applies to all employees of Brooke Weston Trust.

During probation, the Trust reserves the right to omit steps in the procedure for managing short-term sickness absence. Excessive absence in probation may be considered in your probationary review and may lead to the termination of your employment during probation following full considerations of the reasons for absence.

This policy does not apply to supply teachers and agency workers who are with us on a short-term basis. Supply teachers and agency workers who are not employed directly by the Trust and are assigned to the Trust on a long-term basis are not subject to all the procedures set out in this policy, however we would expect these staff members to follow the absence reporting procedures herein.

Should an agency worker or supply teacher demonstrate an unacceptable level of attendance without good cause, the Trust reserves the right to end their assignment. The Trust will liaise with the employer of the agency worker or supply teacher regarding any absence concerns.

Roles and responsibilities

The CEO has responsibility for ensuring all appropriate policies, systems and training are in place.

The Strategic Delivery Group is responsible for the review and implementation of this policy.

In each school, the Principal is accountable for ensuring compliance with this policy. In central teams, the Heads of Profession and Executive team members are responsible for ensuring compliance with this policy.

The Head of People is responsible for reviewing and updating this policy.

The expectations of all staff including employees, agency workers and supply teachers are that:

- They must attend work when fit to do so
- Should a member of staff be too unwell to attend they must follow the procedure for reporting sickness absence set out in this policy

In addition, employees must:

- Follow the formal and informal procedures set out in this policy to manage absence, both long-term and short-term
- Adhere to the stated timescales when responding to or appealing requests or decisions

The table below sets out the who has authority to hold meetings under this policy:

Short-term sickness absence

Meeting type	Authority to hold the meeting (school-based staff)	Authority to hold the meeting (central teams)	HR Support
Return to work meetings	Manager (this could be the line manager or a Senior Manager), school HR Administrator or Principal	Line manager	Not required
Informal meetings	Manager (this could be the line manager or a Senior Manager) or school HR Administrator	Line manager	HR support if required
Stage 1 – formal attendance review meeting	Senior Manager	Senior Manager/ Head of Profession	HR support
Stage 2 – formal attendance review meeting	Senior Manager	Senior Manager/ Head of Profession	HR support
Stage 3 – formal attendance review meeting	Principal	Head of Profession/ Exec team member	HR support

Appeal hearing – Stages 1 & 2	Principal/ Executive Principal/ Director of Primaries/ Director of Education	Exec team member or CEO	HR support
Appeal hearing – Stage 3	A panel of 2 selected by the Head of People (see appeals section for further information)	A panel of 2 selected by the Head of People (see appeals section for further information)	HR support

Long-term sickness absence

Meeting type	Authority to hold the meeting (school-based staff)	Authority to hold the meeting (central teams)	HR Support
Return to work meetings	Manager (this could be the line manager or a Senior Manager), school HR Administrator or Principal	Line manager	Not required
Informal meetings	Manager (this could be the line manager or a Senior Manager) or school HR Administrator	Line manager	HR support
Stage 1 – Formal ill health capability review meetings	Senior Manager	Senior Manager/ Head of Profession	HR support
Stage 2 – Formal ill health capability review meeting	Principal	Head of Profession/ Exec team member	HR support
Appeal hearing – Stages 1 & 2	Principal/ Executive Principal/ Director of Primaries/ Director of Education	Exec team member/ CEO	HR support
Appeal hearing – Stage 3	A panel of 2 selected by the Head of People (see appeals section for further information)	A panel of 2 selected by the Head of People (see appeals section for further information)	HR support

In Schools, a Senior Manager is a member of the Senior Leadership Team. In the Central Team a Senior Leader is someone with Leadership Terms and Conditions.

Where a Senior Manager, Principal, Head of Profession or Executive Team member is the subject of this procedure, a more senior employee or employees must hold the meetings under this procedure. Where the subject of the procedure is the CEO, a member of the Board of Directors must hold the meetings.

Procedure for reporting sickness absence

If you are prevented by illness or injury from reporting for duty you must personally notify your immediate line manager or call the designated staff absence line as soon as possible by telephone as early as possible on the first day of absence. The following details must be provided:

- The nature of your illness/injury
- The expected length of absence from work
- Current contact details
- Any outstanding or urgent work that requires attention
- Teachers must provide cover work

We encourage you to keep an open dialogue with your line manager throughout your absence to help us:

- Identify absence problems early on
- Support you wherever possible, including with rehabilitation and return to work

If you are so unwell that you are unable to make contact with us, someone else must call your line manager or designated staff absence line in accordance with the procedure set out above.

For absences of more than 7 calendar days, you must obtain a “statement of fitness for work” stating that you are not fit for work and the reason(s) why. This should be forwarded to your line manager or HR department as soon as possible. If absence continues, you must obtain further medical certificates to cover the whole period of your absence, including periods of school closure. Failure to provide a valid “statement of fitness for work” may result in non-payment of sick pay (where applicable) and/or disciplinary action if appropriate.

If the statement or medical certificate says that you “may be fit for work”, you should inform your line manager or HR representative immediately. We will discuss any potential measures needed to facilitate your return to work, taking into account the healthcare professional’s advice. We may seek further medical advice or conduct and/or conduct a risk assessment. If appropriate measures cannot be taken, you will remain on sick leave and we will agree a date to review the situation.

If you are charged for your “statement of fitness for work” we will reimburse the cost if you provide a valid receipt.

If you are unable to attend work for an extended period of time, your manager or HR representative may agree with you how and when to keep in touch over that period.

Return-to-work meeting

When an employee returns to work after sickness absence, a return-to-work meeting will be arranged to:

- Discuss the absence, to make sure you have recovered and to establish whether there are any continuing underlying issues
- Talk about any support you might need
- Allow you to raise concerns
- Update you on any work matters
- Complete a return-to-work form

- If relevant, review your sickness absence record for the past year and make you aware if you are approaching a trigger point

A copy of the return-to-work form can found [here](#).

General return-to-work arrangements and risk assessments

When returning to work, consideration will be given as to whether a risk assessment is required to ensure your health and safety. For example, a stress risk assessment, an ergonomic risk assessment or a more general risk assessment.

You may return to work before the expiry of a Fit Note without going back to see your doctor, even if your G.P has indicated that they need to assess you again, providing a **suitable risk assessment** has taken place.

Phased return to work

Medical professionals, the Fit for Work Service or the occupational health service may recommend that an employee returning to work from sickness absence should return under a phased return. The Trust may also choose to agree a phased return with you without medical advice.

A phased return may constitute:

- Working reduced hours
- Having lighter duties or different duties

This will be followed by a gradual increase of working hours and/or duties over time, depending on individual circumstances.

We will meet with you regularly during a phased return and, in consultation with you we may choose to:

- Amend the phased return, either increase the hours or duties more quickly or more slowly
- Further extend the phased return to work or curtail the phased return earlier than planned

At the end of the phased return, we may need to discuss the need to permanently change your duties if it is not possible for you to fully return to your original role. It is likely that we will consider recommendations by a medical practitioner should this be the case.

During a phased return to work, we will pay you as set out below:

- If you have exhausted your sick pay entitlement, the salary payment made will be based on the number of hours worked during the phased return
- If you have not exhausted your sick pay entitlement, you will be paid in accordance with the number of hours work/contracted salary whilst at work, or the occupational sick pay entitlement that would be payable had you remained absent due to sickness – whichever is higher.

Supporting colleagues with medical conditions

The Trust is committed to supporting all colleagues who are managing medical conditions, regardless of whether these conditions are classified as disabilities. We recognise that health challenges can impact work performance and well-being, and we aim to provide a compassionate and flexible approach to sickness absence. Employees are encouraged to communicate openly with their managers about their health needs, so we can offer appropriate support. Our goal is to foster an inclusive and supportive work environment where every team member feels valued and empowered to manage their health effectively.

Disability-related absence

We have a duty to make reasonable adjustments where an employee has a disability covered by the Equality Act 2010.

If the absence is because of a disability or the illness leaves you in a mental or physical condition which falls within the definition of a disability, we will do whatever we can to make reasonable adjustments to the job to enable you to carry on working.

In discussion with you, the Trust will consider all reasonable adjustments and provide these where possible.

If you believe you have a disability or medical condition that affects your ability to do your work, you should inform your manager, so that the Trust is able to consider appropriate reasonable adjustments and support.

The duty to make the adjustments is 'reasonable' so if the suggested adjustment is not viable it will not be made. It may also be the case that no reasonable adjustments are possible to facilitate a return. There may be no alternative roles or employment available and if there is no prospect of the you being able to return to work in the near future, it may be inevitable that a decision to dismiss is the last and only option.

If you need time off work to attend medical appointments related to your disability or a medical condition that affects your work (e.g. treatment, rehabilitation and/or check-ups), you would be expected to make these appointments outside of work. If this is not possible, and at the discretion of the Principal (or other relevant manager for Central Team colleagues) we may agree a limited amount of paid time off for appointments as a reasonable adjustment. This is not guaranteed and, as such, you should speak to your manager about your needs.

Maintaining contact during sick leave

If you are on sick leave, you are expected to keep your manager or HR updated with details of your health and expected date of returning to work.

If you are on an extended period of sick leave, your manager or HR will arrange periodic meetings with you to discuss your ongoing absence, so that each side is kept up to date with developments, and so the Trust can provide any available support.

The location of these meetings will normally be at your usual place of work but, if a virtual meeting or home visit is necessary due to the nature of your absence, this can be accommodated.

You can contact your manager or HR representative at any time should you wish to discuss anything relating to your absence or return to work.

Support for physical and mental health

All employees have access to GP services 7 days per week free of charge. This benefit is also available to your dependent children who live in the same household as you, and can be accessed through our [Vivup](#) benefits platform.

For employees who have been absent, or are still absent, for reasons relating to mental health, The Trust provides support for all its staff through a 24/7 advice and support line. Face-to-face or virtual counselling sessions are also available. You can find the contact details for the advice and support line, where you can also arrange counselling sessions, and access to further wellbeing information in our benefits portal, [Vivup](#).

If you have returned to work following a mental health-related absence we may discuss a Wellness Action Plan with you. This is a document agreed between you and your manager which provides information about your condition and allows us to proactively support you and prevent further absence. We understand that it can be difficult for an employee to be the subject of an absence or ill health capability procedure, even when your absence is not a result of mental health. We would encourage all staff to consider using our support line and counselling service as necessary.

The Trust wishes to minimise stress at work and stress-related absence wherever possible. We will support and discuss options with any employee who feels they are experiencing significant stress at work or in their personal lives. We understand that stress may impact work and we will aim to make adjustments where possible, including adapting your role or working pattern on a short-term basis to allow for recovery. Following a discussion with your manager, we may also:

- Arrange external support, such as counselling or occupational health services
- Complete a stress risk assessment, following through with any actions identified
- Reassess your workload and decide what tasks to prioritise
- Authorise time off if recommended by a medical practitioner

At all times, confidentiality and dignity will be maintained.

Wellbeing support during the sickness absence procedure

If you are the subject of a short-term sickness absence procedure, you may be provided, with your agreement, with a mental health ambassador who can support you through the process. This could be a mental health first aider, an HR representative, or a manager. Your contact will not have any involvement in the sickness absence procedures affecting you. You may decline this support should you wish to continue without it.

Those on long-term sickness absence will be supported by regular calls with a manager or HR representative.

Attendance at meetings

Employees must take all reasonable steps to attend meetings. If you do not attend a meeting, and do not contact us to rearrange, a decision may be taken in your absence using the information that is available to the manager at the time. In this case, the outcome of the meeting will be communicated to you in writing. Failure to attend meetings may be treated as misconduct under the Disciplinary Policy.

At all formal meetings, employees may be accompanied by a trade union representative or workplace colleague. In cases of long-term sickness absence, in special circumstances, we may also allow the employee to be accompanied by a family member. There is no right to be accompanied at informal meetings.

If you or your companion are unable to attend the meeting at the time specified, you should immediately inform the chair of the meeting who will seek to agree an alternative time. Meetings will not normally be postponed beyond 7 calendar days, unless there is medical evidence to suggest a further delay. If you are too unwell to attend a formal or informal meeting you will be given the option to:

- Meet in another venue or at your home; or
- Attend via telephone conference; or
- Send a companion to represent you, providing appropriate written consent (formal meetings only); or
- Provide a written submission; or
- Request that the meeting takes place in your absence

Any senior manager visiting an employee's home will be accompanied by another manager.

Medical advice

From time to time, it may be necessary for the Trust to seek medical advice in relation to your absence. You may be required at any time during an absence procedure to attend an Occupational Health or other medical appointment/examination by a registered medical practitioner nominated by the Trust.

We may also write to your doctor or healthcare specialist for further information regarding your medical condition.

You are expected to fully comply with these requests. Failure to comply will lead the chair of the meeting to take a decision based on the evidence available.

Medical suspension

Medical suspension is the temporary removal of an employee from their job duties due to a medical condition. We may place you on medical suspension if:

- Your health condition poses a risk to yourself or others
- You are unable to perform essential job functions due to their medical condition.

The decision to medically suspend will be based on the advice and recommendations of a healthcare professional. If we decide to medically suspend you, you will be notified in writing, including the reasons and expected duration. A copy of this letter will be held on your employee file.

Medical suspensions are typically temporary and will be reviewed periodically and the expected duration will be communicated to you.

You must provide regular updates on your medical condition during the medical suspension.

Please note that a medical suspension is not a sanction and you will remain on full pay until the suspension is concluded. Any absence due to medical suspension will not be counted in the calculation of absence triggers.

Procedure for managing short-term sickness absence

The table below sets out the triggers we will use at various stages of the short-term sickness absence procedure:

The meeting that will be triggered	Details of trigger	Potential Sanction
First Trigger – Informal absence review meeting	A total of 8 days absence or 3 or more occasions in a rolling 12 month period	Informal attendance notification
Second Trigger – Stage 1 formal absence review meeting	A further 5 days absence or 2 more occasions in the 12 months following the previous warning	Formal attendance notification
Third Trigger – Stage 2 formal absence review meeting	A further 5 days absence or 2 more occasions in the 12 months following the previous warning	Final attendance notification
Fourth Trigger – Stage 3 formal absence review meeting	A further 5 days absence or 2 more occasions in the 12 months following the previous warning	Dismissal

These triggers are not applicable to employees during the probationary period.

Triggers will be reviewed and adjusted where necessary in order to make reasonable adjustments to accommodate employees with disabilities, as defined by the Equality Act 2010.

Informal absence review meeting

The line manager should meet informally with the employee to discuss the fact that an absence trigger has been reached and to discuss necessary actions, such as:

- Considering a referral to Occupational Health where applicable;
- Implementing reasonable adjustments that may be necessary in relation to disability or other medical condition; or,
- Issuing an informal attendance notification

The manager may establish that there is an underlying medical condition, and it may be that advice is required from HR as to the best course of action to take. Should this be required, a further meeting will be held to discuss the outcome. It may not be necessary or appropriate in those circumstances to issue an informal attendance notification.

There is no entitlement for the employee to be accompanied at an informal absence review meeting.

The line manager will, in normal circumstances, use the [Absence Review Meeting form](#) as the agenda for the meeting and will record salient points.

At the meeting, the manager will discuss with you:

- That you have reached a sickness absence trigger point, which means that your current absence levels are unacceptable
- Your pattern of absence to understand the reasons for it
- Any medical treatment, and whether medical advice is needed from the occupational health service or any other medical professionals
- Whether the illness is work-related and if any temporary changes to your role could help you to improve attendance
- Whether you have any underlying health problems (including a disability), how this will likely affect your attendance in the future, and whether any reasonable adjustments can be made
- How your absence is affecting pupils, colleagues and the school (or central team if relevant)
- Any other ways the Trust can support you
- Any mitigating circumstances to explain your absence

Unless there are mitigating circumstances, you will be informed of the next trigger and warned that should you reach this trigger a formal absence review meeting may be held, where there is a possibility of a formal attendance notification.

After the meeting, you will receive a copy of the signed Absence Review Meeting Form which will summarise the discussions that were held and confirm whether an informal attendance notification was issued.

Formal absence review meetings

There are 3 formal absence review meetings: Stage 1, Stage 2, and Stage 3. If your absence levels do not improve to an acceptable level after the final formal absence review meeting at Stage 3, you may be dismissed from your employment following a full examination of the facts and where no reasonable adjustments are appropriate.

Each formal review meeting will usually take place shortly after the trigger has been reached, depending on circumstances. You will be informed of each meeting, in writing, 7 calendar days in advance and any relevant documentation will be provided, such as your absence record and any medical reports or other

evidence. The meeting invite will set out the date, time and place of the meeting, who will be present, and any possible sanction that may be issued.

You have a right to be accompanied to any formal meeting under this procedure by a trade union representative or work colleague. You should inform your manager of the name of your companion and of any evidence you would like to be considered at least 3 calendar days before the meeting is scheduled to take place.

The table below sets out who should be in attendance at each formal absence review meeting:

	Subject of the hearing is school-based	Subject of the hearing works in the Trust's central team
Stages 1 & 2	<p>Senior Manager/ Principal (chair)</p> <p>Line manager (to provide information about absences and any support provided)</p> <p>HR Representative</p> <p>Employee</p> <p>Employee's companion (optional)</p> <p>Note-taker (if technological solution is not possible)</p>	<p>Senior Manager/Head of Profession (chair)</p> <p>Line manager (to provide information about absences and any support provided)</p> <p>HR Representative</p> <p>Employee</p> <p>Employee's companion (optional)</p> <p>Note-taker (if technological solution is not possible)</p>
Stage 3 (possibility of dismissal)	<p>Principal (chair)</p> <p>Line manager (to provide information about absences and any support provided)</p> <p>HR Representative</p> <p>Employee</p> <p>Employee's companion (optional)</p> <p>Note-taker (if technological solution is not possible)</p>	<p>Head of Profession or Executive Team member (chair)</p> <p>Line manager (to provide information about absences and any support provided)</p> <p>HR Representative</p> <p>Employee</p> <p>Employee's companion (optional)</p> <p>Note-taker (if technological solution is not possible)</p>

The person chairing the hearing must always be more senior than the employee who is the subject of the hearing. Should the subject of the hearing be at Principal level or above, the Trust must call on the

Executive Principal, Director of Primaries, a member of the Executive Team, a member of the Board of Governors, or Chair of the Board, as appropriate.

During formal absence review meeting

At the meeting, the chair of the meeting will discuss with you:

- That you have reached another trigger and that your absence levels continue to be unacceptable
- The results of the informal procedure, including any measures taken to support you so far and any reasonable adjustments if appropriate,
- The reasons for your absence, and whether further absences are likely going forward
- Any medical advice received and whether further medical advice is required
- Any work-related issues that may be affecting your attendance and whether any temporary changes to the role could help improve your attendance
- If you have underlying health problems, any reasonable adjustments that could be made
- How your absence is affecting pupils, colleagues and the school (or the central team if relevant)
- Any other ways the Trust can support you. This may involve an action plan that includes obtaining further medical advice, or outlining what adjustments or adaptations will be made for you
- Any mitigating circumstances to explain your absence

Possible outcomes

At the end of each formal review meeting, the chair of the meeting may decide to:

- Agree the issue has been resolved and take no further action
- Continue to monitor your absence and provide support. This will usually be the responsibility of the line manager
- **For Stage 1 formal absence review meeting only:** issue a formal attendance notification, which will normally remain on record for 12 months. The notification will:
 - Explain the Trust's expectations on attendance going forward and set out the subsequent triggers
 - Warn you of the potential consequences of not meeting the required standards, including another formal attendance notification and the risk of dismissal
 - The letter will also set out the right to appeal and the route of appeal, and will be sent within 7 calendar days of the meeting
- **For Stage 2 formal absence review meeting only:** issue a final attendance notification, which will reiterate the Trust's expectations on attendance going forward, set out the subsequent triggers, and warn you of the potential consequences of not meeting the required standards, including the risk of dismissal. The letter will also set out the right to appeal and the route of appeal, and will be sent within 7 calendar days of the meeting.

Stage 3 formal absence review meeting:

Should a further trigger be reached, we will write to you to arrange a Stage 3 – formal absence review meeting. The letter will outline the date, time and place of the meeting, who will be present and your

statutory right to be accompanied by a work colleague or trade union representative. Details of your absence and any other evidence will be sent with the letter.

The chair of the meeting will:

- Ask the manager to outline:
 - the levels of absence and reasons for absence as discussed at Stage 1 and Stage 2;
 - any adjustments that have been made;
 - any mitigating circumstances given for any of the absences; and
 - the process so far under the short-term sickness absence procedure.

The chair will then review:

- levels of attendance expected;
- notes of the formal Sickness Absence meetings and any other information relating to the case;
- any statements of fitness for work provided by the GP;
- medical advice received from Occupation Health or the Fit for Work service or other medical professionals if applicable; and
- any measures taken by management to support the employee, e.g. reasonable adjustments if applicable.

The chair will then:

- discuss the levels of absence and reasons for absence with the you and your companion and hear your explanations or mitigations;
- review the effect of the unsatisfactory levels of attendance on pupils, colleagues and the school (or the central team if relevant); and
- explore, as appropriate, whether a sustained improvement in attendance is possible.

Following the Stage 3 meeting, and after full consideration of all the evidence, the chair may decide to:

- take no further action under the procedure;
- set a further/final review period setting further triggers to allow for additional monitoring and/or additional management support and reconvene the Stage 3 meeting after this period;
- agree further support which may include reasonable adjustments to your role or working pattern if applicable; or
- dismiss you

The outcome of the Stage 3 meeting will be provided in writing to you and your companion within 7 calendar days of the decision. The letter will also set out the right to appeal and the route of appeal.

Appeals

If you are not satisfied with the outcome of a review at any stage of this formal procedure, up to and including dismissal, you have the right to appeal the decision.

You should set out your grounds of appeal in writing within 7 calendar days and submit this to the Head of People.

An appeal is not designed to re-hear the matter but to examine the grounds of appeal. You should therefore be specific about the grounds of the appeal. However, a full re-hearing may be appropriate in exceptional circumstances. The Head of People will appoint a relevant manager to hear the appeal in accordance with the table below.

For dismissal appeals, there will be a panel consisting of 2 people. Anyone hearing an appeal will be independent from any previous stage of the procedure.

Appeals will be heard without unreasonable delay. We will write to you in advance with the time and place of the appeal meeting.

You have the same statutory right to be accompanied to the appeal meeting by a work colleague or trade union representative.

The chair of the appeal hearing may choose to uphold the appeal and overturn the original decision, which may include implementing monitoring or further triggers, or they may choose to dismiss the appeal, in which case the original decision will be maintained.

The outcome of the appeal will be confirmed in writing by the chair of the appeal panel to the staff member within 7 calendar days of the appeal. The decision of the appeal panel is final.

The table below shows roles and responsibilities during the appeal process:

	Subject of the hearing is school-based	Subject of the hearing works in the Trust's central team
Where the decision was a first or final formal attendance notification	<p>Senior Manager/ Principal (chair)</p> <p>Manager who issued the formal attendance notification</p> <p>HR representative and Note-taker (if technological solution is not possible)</p>	<p>Senior Manager/Head of Profession (chair)</p> <p>Manager who issued the formal attendance notification</p> <p>HR representative and Note-taker (if technological solution is not possible)</p>
Where the decision was dismissal	<p>Either: Executive Principal/Director of Primaries/Director of Education (chair)</p> <p>Plus one more employees in the following roles: School Governor, Principal</p>	<p>Either: Any Executive team member or CEO (chair)</p> <p>Plus one more employees in the following roles: Principal, School Governor, other Executive team member</p> <p>Manager who dismissed the employee</p>

	Manager who dismissed the employee HR representative and Note-taker (if technological solution is not possible)	HR representative and Note-taker (if technological solution is not possible)
--	--	--

Note: the person hearing the appeal must be of a more senior level than the person issuing the attendance notification or taking the dismissal decision, therefore the roles in this table can be adjusted accordingly. Sanctions, up to and including dismissal, will not be delayed in order to hear the appeal, but sanctions may be overturned as a result of the appeal, up to and including reinstatement.

Procedure for managing long-term sickness absence

The Brooke Weston Trust is committed to dealing fairly and sympathetically with staff members who are absent from work for long periods because of ill health.

We define long-term sickness absence as absence lasting for 4 weeks or more. At this point, we may refer you to the occupational health service and/or the Fit to Work service so that we can obtain medical advice. Further to medical advice, the Trust will consider what reasonable adjustments, if any, could be made to support you back to work.

Informal review

On receipt of the medical advice, the Trust will arrange an informal review meeting with you.

At the meeting, your manager or HR representative will discuss with you:

- The medical opinion, prognosis and expected timescale for you to return to work
- What support you might need to enable you to successfully return to work
- Whether you have a disability under the Equality Act 2010 and whether any reasonable adjustments can be made
- What impact your absence is having on the school’s operations (or the operations in the central teams as appropriate)

Possible outcomes of informal review

The manager or HR representative will summarise the main points of the meeting in writing, including agreed actions (if any) such as:

- A return-to-work plan
- Whether to seek further medical advice
- When to review the situation

If you do return to work, we may agree further review meetings with you to support your reintegration into the working environment.

If the medical advice indicates there may be a return to work in the near future, we may arrange a further occupational health review followed by an informal review meeting at an agreed time to ascertain whether the improvement in your health is sufficient for you to return.

If there is no prospect of a return to work in the foreseeable future we will maintain regular contact at agreed intervals to continue to monitor your situation. Should there be no prospect of a return after 3 months absence, a formal ill health capability review will be arranged.

Stage 1 - Formal ill health capability review

We will write to you 7 calendar days in advance of a Stage 1 - formal ill health capability review meeting to advise you of the date, time and location of the meeting, who will be present and your statutory right to be accompanied by a work colleague or trade union representative. Prior to the meeting, we will arrange an occupational health review. The report and any other evidence relating to your absence will be sent to you with the letter.

At the meeting, your manager or HR representative will discuss with you:

- The medical opinion, prognosis and expected timescale for you to return to work
- What support you might need to enable you to successfully return to work
- Whether you have a disability under the Equality Act 2010 and whether any reasonable adjustments can be made
- What impact your absence is having on the school's operations (or the operations in the central teams as appropriate)

At the end of the formal ill health capability meeting, the manager may decide to:

- Agree a return-to-work plan with you
- Agree reasonable adjustments to the role, working hours or the workplace
- Begin a phased return to work
- Seek further medical advice
- Provide you with information regarding ill health retirement if applicable
- Consider whether you could undertake alternative work
- Agree a further Stage 1 – formal ill health capability review with you if there is an indication that there might be a change in your situation

If there is no prospect of a return to work in the foreseeable future, the manager will advise you that you may be dismissed on the grounds of ill health if you cannot return to work over a reasonable timescale, for example if there is no sign of any improvement in your health which might indicate a possible return to work in the next three months.

If there is no prospect of a return to work in the foreseeable future we will maintain regular contact at agreed intervals to continue to monitor your situation. Should there be no prospect of a return after a further 3 months absence, another formal ill health capability review will be arranged.

If improvement is expected the manager may choose to arrange a further Stage 1 meeting rather than proceeding to Stage 2.

After each formal review meeting, we will write to you to summarise the meeting and any agreed actions. The letter will stipulate the next steps and any time period for recovery that has been agreed. Stage 1 letters will advise that if the absence continues without improvement the Trust may need to consider dismissal.

Stage 2 – Ill health capability review meeting

We will write to you 7 calendar days in advance of a Stage 2 - formal ill health capability review meeting to advise you of the date, time and location of the meeting, who will be present and your statutory right to be accompanied by a work colleague or trade union representative.

Prior to the meeting, we will arrange an occupational health review. The report and any other evidence relating to your absence will be sent to you with the letter.

The chair of the meeting will:

- Ask the manager to outline:
 - the reason for the long-term absence and any associated history;
 - the medical prognosis as dictated by the most recent occupational health report;
 - any adjustments that have been made;
 - any opportunities for return or redeployment that have been identified and where identified, the outcome of discussions with the employee; and
 - the process so far under the long-term sickness absence procedure.

- The chair will then review:
 - notes of all previous meetings whether formal or informal, records of home visits or other meetings plus any other information relating to any previous action taken;
 - any statements of fitness for work provided by the GP;
 - medical advice received from Occupation Health, the Fit for Work service, doctors and/or specialists as appropriate; and
 - any measures taken by management to support the employee, e.g. reasonable adjustments.

- The chair will then:
 - Discuss the reasons for absence with the you and your companion where the employee and hear your explanations or mitigations;
 - review the effect of your absence on pupils, colleagues and the school (or the central team if relevant); and
 - explore, as appropriate, whether a sustained improvement in attendance is possible.

Following the Stage 2 meeting, and after full consideration of all the evidence, the chair may decide to:

- to set a further/final review period to allow for additional monitoring of the situation and reconvene the Stage 2 meeting after this period;
- to request further medical advice and reconvene the Stage 2 meeting once this has been obtained;
- Agree a return-to-work plan with you, which may include reasonable adjustments to the role, working hours or the workplace and/or a phased return to work;
- Agree with you that you undertake alternative work;
- Instigate the process for ill health retirement in discussion with your HR representative; or
- Dismiss you on the grounds of ill health capability.

Termination will normally be with full notice or payment in lieu of notice.

The outcome of the Stage 2 – ill health capability meeting will be provided in writing to you and your companion within 7 calendar days of the decision. The letter will also set out the right to appeal and the route of appeal.

Appealing against a dismissal for ill health capability

You have the right to appeal the decision to dismiss you under the procedure for managing long-term sickness absence.

You should set out your grounds of appeal in writing within 7 calendar days and submit this to the Head of People.

An appeal is not designed to re-hear the matter but to examine the grounds of appeal. You should therefore be specific about the grounds of the appeal. However, a full re-hearing may be appropriate in exceptional circumstances.

The Head of People will appoint a panel of 2 people to hear the appeal in accordance with the table below. The panel will be independent from any previous stage of the procedure.

Appeals will be heard without unreasonable delay. We will write to you in advance with the time and place of the appeal meeting.

You have the same statutory right to be accompanied to the appeal meeting by a work colleague or trade union representative.

The chair of the appeal hearing may choose to uphold the appeal and overturn the original decision, which may include:

- implementing a further period of monitoring with a Stage 2 review at the end of that period
- agreeing a return to work which may include implementing redeployment or adjustments to the role or the hours
- considering ill health retirement
- adjourning the meeting and seeking further medical advice in order to make a decision

Or, they may choose to dismiss the appeal, in which case the original decision to terminate your employment on the grounds of ill health will be maintained.

The outcome of the appeal will be confirmed in writing by the chair of the appeal panel to the staff member within 7 calendar days of the appeal. The decision of the appeal panel is final.

The table below shows the responsibilities during the appeal process for long-term ill health dismissal:

Subject of the hearing is school-based	Subject of the hearing works in the Trust’s central team
Either: Executive Principal/Director of Primaries/Director of Education (chair) Plus one more employee in the following roles: School Governor, Principal. Manager who took the decision to dismiss HR representative and Note-taker (if technological solution is not possible)	Either: Any Executive team member or CEO (chair) Plus one employees in the following roles: Principal, School Governor, other Executive team member Manager who was took the decision to dismiss HR representative and Note-taker (if technological solution is not possible)

Note: the person hearing the appeal must be of a more senior level than the person issuing taking the dismissal decision, therefore the roles in this table can be adjusted accordingly.

Statutory sick pay and occupational sick pay

All employees are entitled to statutory sick pay (SSP). Occupational sick pay will be paid where employees are eligible to receive it. Your entitlement to occupational sick pay is set out in your contract of employment.

SSP:

- Is calculated on a weekly rate and starts on the 4th day of absence, with the first 3 days being unpaid
- May be payable for up to 28 weeks

Qualifying days for SSP are Monday to Friday, or as set out in staff’s employment contracts. Read more about eligibility and payment rates at <https://www.gov.uk/statutory-sick-pay>.

Occupational sick pay includes any entitlement you may have to SSP, unless your contract states otherwise. Once occupational sick pay ceases, you will still be entitled to SSP (for up to 28 weeks sickness in total).

The Trust reserves the right to refuse to pay sick pay (including SSP) if it has reasonable cause to think that the employee is not genuinely sick, or if it has cause to believe that the employee is abusing the sick pay scheme. Any abuse of sick pay may be dealt with under the Disciplinary Policy.

Sick pay relating to a phased return to work is detailed in the “[Phased return to work](#)” section of this policy.

Work-related injuries or illness

You should report work-related injuries or illnesses to the Principal or H&S representative as soon as possible. The principal or H&S representative will report all relevant injuries and illnesses (as defined in the RIDDOR 2013 legislation) to the Health and Safety Executive (HSE). Read more about this reporting duty in our [First Aid Policy](#). If you are absent as a result of an accident or injury at work, you may be required to attend a medical examination by a registered medical practitioner nominated by the Trust.

If you are taken ill or injured while at work, your line manager or HR administrator will make arrangements for you to be accompanied home or to receive medical treatment where necessary.

Holidays and sick leave

For those who normally book holiday and are not on term-time contracts or teaching contracts, if you fall sick while on annual leave, as long as the sickness absence reporting procedures have been followed, the annual leave will be reinstated.

Pension contributions during sickness absence

Both the employer and the employee will continue to contribute to the employee's pension scheme during any period of SSP or occupational sick pay, if the scheme's rules allow this.

Where the employee is in a Pension Scheme and is on long-term sick leave it may be appropriate to explore eligibility for an ill health pension prior to convening a Stage 2 Meeting under the procedure for managing long-term ill health.

Absence caused by a third party

If your absence is, or may be, caused by another party who is, or may be, legally liable to pay damages (for example, if you are injured in an accident caused by another person or company), you must immediately provide your manager with details of this and of any legal claim they are pursuing.

If requested by the Trust, you must take part in any legal proceedings to recover damages. You must also, if asked, give the Trust part of any damages or compensation payment that relates to lost earnings. The amount will be all of the following:

- Reasonably determined by the Trust
- Minus any costs you have incurred to get the damages or compensation payment
- Capped at the amount the Trust paid you over the period of absence

Pregnancy-related absence

We will not count pregnancy-related sickness absence when reviewing your attendance record. However, if there are concerns about the reasons or lengths of absence, the Trust reserves the right to formally investigate the nature and cause of the absence. You can find out more about pregnancy-related absence in the [Maternity Policy](#).

Menopause-related absence

We would like to ensure that our people feel supported throughout the menopause. As such, we will not count menopause-related sickness absence when reviewing your attendance record. You may be asked to provide evidence of your condition in this case. Should you wish to request adjustments to your role or environment as a result of menopause, please speak to your manager or your HR representative and we will do our best to accommodate these. If there are concerns about the reasons or lengths of absence, the Trust reserves the right to formally investigate the nature and cause of the absence.

Elective surgery and gender reassignment

If you are undergoing elective surgery, you should discuss their need for time off and recovery with your manager, who may:

- Authorise it as sickness absence if the surgery is medically necessary or if relating to gender reassignment. You would be expected to provide evidence to support this. In this case, you may be entitled to occupational sick pay and/or SSP.
- Grant or refuse the absence as special leave. If the absence is granted, it is normally unpaid unless:
 - Staff arrange the surgery and recovery time to occur outside term time
 - It is possible for staff to use annual leave for the period of absence
- Approve holiday for the period of time of the surgery and recovery for those employees on 52-week contracts.

Unauthorised absence and false information

If you do not report for work and we receive no contact from you or someone on your behalf (in accordance with section 6), your line manager or HR representative will contact you as soon as possible to:

- Make sure you are safe
- Give you an opportunity to explain your absence

This is not as a substitute for reporting sickness absence.

Where staff remain absent without leave and/or there are grounds to believe that they are acting dishonestly or failing to follow the procedures above, we may treat this as an unauthorised absence without pay.

We may deal with cases of unauthorised absence under our disciplinary procedures, which are set out in the Disciplinary Policy.

If you knowingly provide false information during any of the procedures in this policy, whether formal or informal, this will be dealt with under the Disciplinary Policy and could lead to disciplinary sanctions up to and including dismissal.

Data protection

All discussions and sensitive medical and personal information about staff members' sickness and other absence will be treated confidentially by all parties concerned. This data will be collected, used and stored in line with the Data Protection Act 2018. Please refer to our privacy notices for more detail on how data will be processed –

[Brooke Weston Trust - Data Protection Information](#)

Monitoring arrangements

This policy will be reviewed every three years but may be revised as needed in consultation with the recognised trade unions.

This policy will be approved by the Trust's Strategic Delivery Group.

An equality impact assessment of this policy will be undertaken to ensure that no groups or individuals with protected characteristics are unintentionally disadvantaged by the policy.

Document control

Date of last review:	July 2024	Author:	People Team
Date of next review:	July 2025	Version:	4
Approved by:	Strategic Delivery Group	Status:	Approved

Summary of changes:

	Previous version	Current version
Short- and long-term absence procedures	Same procedure for both short- and long-term absence	Different procedures for short- and long-term absence
Stages in the absence procedure:	<p>Short- and long-term sickness absence: Informal Stage 1 Stage 2 (potential dismissal)</p>	<p>Long-term sickness absence: Informal Stage 1 Stage 2 (potential dismissal)</p> <p>Short-term sickness absence: Informal Stage 1 Stage 2 Stage 3 (potential dismissal)</p>
Roles and responsibilities	<p>Management – monitor sickness absence</p> <p>Principal and management – ensure standards are achieved, make aware of consequences of sickness absence on schools, pupils, etc.</p> <p>Employee – Follow procedures and attend medical examinations/ OH reviews as required</p>	<p>Amended all roles and responsibilities in accordance with the operational scheme of delegation.</p> <p>Employees are responsible for attending work if they are fit to do so</p>

Notice for informing employees of a formal meeting	5 working days	7 calendar days
Writing to inform of meeting outcome	5 working days	7 calendar days
First written warning remains live for...	No first stage for short- or long-term sickness absence	12 months for short-term sickness absence Long-term sickness absence includes two formal meetings, the first advises that there may be a dismissal in the second, no punitive warnings
Final written warning remains live for	12 months	12 months for short-term sickness absence Long-term sickness absence includes two formal meetings, the first advises that there may be a dismissal in the second, no punitive warnings
Authority to issue initial and final formal warnings	Senior Manager	Senior Manager (schools) Senior Manager/Head of Profession (central teams)
Authority to dismiss	Principal for schools, not stated for central teams	Principal (schools) Head of Profession or exec team member (central teams)
Who else is in attendance at the dismissal hearing	HR representative Employee Companion (optional) Note-taker	HR representative Employee Companion (optional) Note-taker Line manager who has been monitoring attendance
Maximum delay to accommodate companion	5 working days	7 calendar days
Time allowed for appeal	10 days	7 calendar days
Appeals sent to	Employee's line manager for Stage 1 warning Clerk of the Board for dismissals	Head of People, and the Head of People will be responsible for convening the panel for the appeal hearing
Appeal panel consists of...	For Stage 1 warnings, Senior Manager or governor For dismissal appeals, an appeal committee comprising a panel of BWT governors and/or senior management who have not already been involved in the case	Written and final written warnings (short-term absence procedure only): <u>Schools:</u> Principal/ Executive Principal/ Director of Primaries/ Director of Education – one person only <u>Central Teams:</u> Executive team member/ CEO (depending on seniority of the person giving the warning) Dismissal (short- and long-term absence procedure): Panel or two

Who else is in attendance at the appeal hearing	Not stated	Manager who issued the warning (short-term absence procedure only) / Manager who dismissed the employee HR representative Note-taker Employee Companion (optional)
Medical suspension	N/A	Section added confirming the terms of a medical suspension and that an employee will remain on full pay and absence triggers will not be affected
Percentage attendance for the academic year	98% averaged over a 3 year period	Removed and replaced with triggers
Absence triggers	<p>For informal meeting</p> <ul style="list-style-type: none"> A total of 7 working days' absence with 1 term (13 weeks) 10 working days within 3 terms (a full academic year) 3 occasions of absence with 1 term (i.e. 2 days off and then return to work, another 2 days off and then return to work, and then a further 2 days off and return to work): or Unacceptable patterns of absence (i.e. employee has every other Friday off) <p>No further triggers</p>	<p>First Trigger (triggers informal meeting): 8 days and 3 occasions for informal meeting, based on a rolling 12 months.</p> <p>Further Triggers (formal procedure): 5 days and 2 occasions for each stage. Review period starts on the issuing of a warning (formal or informal).</p> <p>Removal of unacceptable patterns of absence as a trigger</p>
Potential outcome of short-term formal absence review meeting (except final stage)	Employee is advised of potential dismissal	Formal attendance notification or final attendance notification is issued (Stage 1 and Stage 2 respectively)
Monitoring period	Up to 3 months	Warning on file for 12 months – attendance is monitored throughout until expiry of 12 months or trigger is hit
Wellbeing support	N/A	For anyone going through a short-term absence procedure we offer the support of a mental health ambassador, who will be unconnected to the procedure and who can provide support and signpost to mental health advice and guidance if needed.
Physical health, mental health and stress	N/A	New section to outline support for those with mental health conditions and those suffering from stress, and also to highlight free access to GP services.
Holidays and sick leave	N/A	Section added to outline the procedure in relation to this

Redeployment	N/A	Redeployment should be considered as an alternative to dismissal
Abuse of sick pay	N/A	Right to invoke disciplinary proceedings if there is evidence that an employee is not genuinely sick or abusing the sick pay scheme
Absence caused by a 3 rd party	N/A	Section added to outline the procedure in relation to this
Time off for medical appointments	N/A	Limited paid time off for appointments related to disability
Pregnancy-related absence	N/A	Section added to outline the procedure in relation to this
Elective surgery including gender reassignment	N/A	Section added to outline the procedure in relation to this
Menopause-based absence	N/A	Section added to outline the procedure in relation to this