



# Health and Wellbeing Policy and Procedure

## Version 10.1

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## **POLICY STATEMENT**

The Education Alliance's success relies on the performance of its workforce. It is acknowledged that working in the education sector has its challenges and the Trust takes its duty of care very seriously. We are committed to providing staff with ease of access to a holistic employee assistance package that includes preventative measures, advice, support, pre-employment and mid-employment screening and a diverse range of telephone helplines. Our view is that staff want to maintain a high level of health and wellbeing and a holistic package of support should provide staff with increased levels of support, tools and techniques to enable healthy lifestyle choices, whilst also providing staff, managers and the senior team with advice and expertise when required. It is acknowledged that staff perform at their best when they feel happy and healthy and the Trust views workplace health to be a key factor in driving performance and growth for the future.

The Education Alliance is committed to supporting staff in taking a proactive approach and will endeavour to encourage staff to take personal responsibility for their health and wellbeing, whilst providing additional support through:

- The Employee Assistance Programme
- Proactive policies and procedures
- Appropriate management and leadership development
- Health and safety controls

Staff are encouraged to seek support before their health deteriorates to the point of either suffering with ill-health at work or being absent from work due to poor health and wellbeing. Support can often enable staff to tackle health issues at an early stage enabling them to remain at work and enjoy healthy lives outside of work. Whilst this minimises the risk of staff absence due to ill-health it doesn't remove it, and where staff are absent from work due to ill-health they will be treated with dignity, respect, sensitivity and care.

This policy and procedure has been designed to maximise levels of attendance at work, providing staff with a healthy workplace to thrive in. The Trust recognises the importance of managing sickness absence effectively, sensitively, consistently and fairly. This aim can only be achieved through effective collaboration between employees, managers, health services, the Human Resources Department and Trade Union colleagues.

This policy is designed to attempt to prevent illness wherever possible whilst also improving the management of employees who are absent due to illness or injury by establishing effective methods of communication, monitoring, assessment and action. This policy recognises the health and wellbeing benefits of work with the aim of ensuring that The Education Alliance is a place where health, safety and wellbeing is protected and promoted.

## 1. PURPOSE AND SCOPE

The aim of this policy is to enable The Education Alliance to maintain a high performing, healthy workforce and in doing so it aims to help to:

- Develop a culture whereby all relevant parties work together to improve attendance levels and employee health and wellbeing
- Treat staff fairly, consistently and equitably whilst acknowledging that each member of staff and each sickness absence is unique
- Maximise attendance

It is recognised that high levels of attendance has a positive and significant impact on student experience. Sickness absence is not purely a response to illness or injury, but is also reliant on employee resilience, personal, work and organisational factors. The Trust aims to ensure that staff are fully supported, focusing on preventative measures wherever possible, ensuring Schools are a healthy place to work with support in place for those in need of additional input. It is the intention of the Trust that staff are able to access information to enable them to lead healthy lives and make healthy lifestyle choices, whilst also having the ability to discreetly seek support when they need it.

The Education Alliance is committed to handling sickness absence with the following principles in mind:

- Dealing sensitively with employees experiencing health issues
- Applying fair and consistent standards, whilst recognising that each case and employee is unique
- Regularly communicating and consulting with employees
- Ensuring employees are supported by external services (such as the Employee Assistance Package) and internal services (such as the Human Resources Department), their employer and their managers
- Ensuring that managers have access to appropriate training, support and guidance
- Recognising disability issues

This policy applies to all staff employed by The Education Alliance, whilst recognising that associate and teaching staff are employed on different terms and conditions therefore their sick pay entitlements will differ. The Policy adheres to the Employment Rights Act 1996; The Equality Act 2010, Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) Regulations 2010, Health and Safety at Work Act 1974, Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 and the Conditions of Service for School Teachers in England and Wales (Revised August 2000) Burgundy Book.

## 2. ROLES AND RESPONSIBILITIES

The **Board of Trustees** is responsible for approving this policy, monitoring its effectiveness and ensuring that adequate resources are available to minimise any workload implications arising out of its operation. Where dismissal may be a consideration under this procedure, the Scheme of Delegation will be followed.

The **CEO** is responsible for ensuring that staff are treated fairly and consistently in the application of this policy and procedure.

The **Human Resources Department** is responsible for ensuring that all staff are aware of this policy and procedure. The HR team will also ensure that the policy is implemented fairly and consistently and that staff are treated with dignity and respect. The team will endeavour to procure, manage and advertise supportive measures (such as the employee assistance programme), encouraging staff to access additional support as and when required. The team will also provide managers with access to appropriate training, advice and guidance to enable managers to manage issues relating to health and wellbeing sensitively, professionally and equitably, whilst also recognising that each case and individual is unique. The Human Resources Department is responsible for:

- Providing help, advice, support, guidance and information to line managers, employees, the CEO and Executive Principal, leaders, managers and Trustees to enable the appropriate management of sickness absence.
- Working in partnership with Trade Union colleagues, ensuring fairness and consistency is achieved whilst also ensuring staff are adequately supported.
- Co-ordinating appropriate redeployment and performance management processes as detailed in The Education Alliance's policies and procedures.
- Ensuring policies and procedures adhere to current legislation and that staff and managers have access to appropriate training and support in relation to the support available with the aim of preventing illness/injury, the management of sickness absence should it occur and the manager's role in understanding and tackling stress at work.

**Managers** and staff with supervisory or leadership responsibilities must ensure they carry out their responsibilities fairly and consistently, dealing with health and wellbeing matters swiftly and effectively whilst maintaining confidentiality wherever possible. Line managers must also:

- Attend appropriate training
- Brief their staff of any changes to this Policy and Procedure
- Monitor sickness absence within their team and ensure their team experiences a safe and healthy working environment
- Work with HR colleagues to ensure that employees are treated fairly and consistently in the application of this Policy and Procedure
- Ensure employees are given appropriate support to assist in maximising attendance
- Keep in contact with employees in their teams that are absent due to sickness
- Attempt to use preventative measures wherever possible to ensure that sickness absence due to workplace issues is minimised
- Arrange a return to work discussion with members of their teams as soon as is reasonably practicable on an employee's return to work following sickness absence
- Comply with the requirements of the Equality Act where appropriate and seek advice from the Human Resources Department

- Undertake appropriate risk assessments, escalating risk where appropriate

All **staff** have a responsibility for their own health and wellbeing. In seeking additional support and guidance when they need it they may find ways to prevent, minimise or manage any issues relating to their health and wellbeing. Employees must:

- Adhere to the School's absence reporting procedure
- Check and sign an Absence Declaration Form within e-days following sickness absence occurrences
- For absences exceeding 7 calendar days the employee must submit a Fit Note from their GP or another treating medical practitioner
- For absences exceeding 14 calendar days, the employee must submit a final doctor's certificate which indicates that they are fit to return to work before they return to work
- Participate in sickness meetings within the context of the illness
- Attend medical appointments where required
- Not undertake any activity that might be detrimental to their recovery and return to work

The **Employee Assistance Package** (EAP) is responsible for providing advice to employees, managers and the Human Resources Department regarding:

- Pre-employment health screening
- Provision of independent health and welfare advice, support and guidance (which may include preventative measures, rehabilitation plans, restrictions or reasonable adjustments, potential lighter duties or suitable alternative employment options)
- Rehabilitation requirements and placement in suitable work for those employees that are either temporarily or permanently unable to perform the duties of their substantive post
- Preventative measures including telephone helplines, access to tools and techniques to enable healthy lifestyle choices, increasing awareness and understanding
- Counselling

### **3. EQUALITY AND DIVERSITY**

The Education Alliance is committed to:

- Eliminating discrimination and promoting equality and diversity in its policies, procedures and guidelines
- Delivering high quality teaching and services that meet the diverse needs of its student population and its workforce, ensuring that no individual or group is disadvantaged

## **4. VISION AND VALUES**

The Education Alliance seeks excellence through inspirational leadership, teamwork, innovation and challenge, with the following values:

- Working together for students
- Generating ideas and sharing outstanding practice
- Promoting independence and interdependence
- Encouraging questioning, feedback and challenge

The Education Alliance has four guiding principles:

- Focus on learners to drive decisions
- Believe in the team
- Keep it simple, do it right
- See it, own it, make it happen

## **5. PRINCIPLES**

The Education Alliance aims to support staff with the aim of preventing ill-health and sickness absence wherever possible. Where sickness absence occurs staff will have access to support and their health and absence will be monitored with return to work discussions occurring after every sickness absence.

For the purpose of this Policy and Procedure sickness absence is defined as follows:

- Short term/persistent sickness absence is where there are a number of relatively short periods of absence.
- Long term sickness absence is a continuous absence of 4 weeks or more or where it is expected that the sickness absence will last for 4 weeks or more.
- Unauthorised absence is where an employee does not provide a reason for absence and/or fails to follow the sickness absence reporting procedure. Managers will follow up incidences of apparent unauthorised absence to obtain clarification. Unauthorised absence will be dealt with in accordance with the Disciplinary Policy and Procedure and it may result in loss of pay

## **6. SWIFT INTERVENTION**

The Health and Safety Executive (HSE) advises that early intervention is key to enabling staff to return to work speedily and effectively. It is recognised that healthy workplaces and being at work is good for an employee's health and wellbeing.

In assisting employees to remain at work or return to work, the following may be discussed with the employee and considered (whilst recognising that not all considerations will be feasible for either the school or the employee):

- Rehabilitation programme (this should be considered by the employee, their line manager, the HR Department and the Employee Assistance Package (EAP)). There may be a temporary change in duties which, under normal circumstances, will gradually phase an employee back to full hours and

duties following receipt of medical advice. Phased return to works will normally be reviewed on a weekly basis. An employee on a phased return to work will receive full normal pay.

- Fast-track physiotherapy (which can be accessed at no cost)
- Access to Counselling

The Education Alliance aims to ensure the workplace is a healthy place for staff to thrive, making temporary adjustments where necessary and feasible to enable staff to continue to work.

## **7. SICKNESS ABSENCE REPORTING**

It is expected that staff will attend work wherever reasonably possible and that when they can't due to illness or injury, they adhere to the reporting processes as detailed below:

- Notify the school via the school's procedure for reporting absence as soon as is practicable to enable cover arrangements to be made where necessary. Notification should be by the employee; unless this is not possible.
- Notify the school of planned absences (such as a hospital appointment) at the earliest opportunity.
- Communicate regularly with the school via the Absence Reporting Line and the Human Resources Department and/or their line manager. When contacting the absence line employees must specify the date, their full name, their Department, the reason for their absence and expected length of absence. Employees must keep the school informed on a daily basis and must contact the absence line to confirm their intention to return to work.

In order for employees to maintain an acceptable level of attendance it is important that they seek help and support whenever they need it. Their line manager, the Employee Assistance Programme, Human Resources Department and/or their Trade Union representative may be able to provide employees with advice, guidance and support. Employees are encouraged to speak to their line manager first wherever possible as their illness/injury may affect their ability to work and their line manager may be able to offer assistance. It is important that the school is alerted to any problems before they adversely affect the employee's ability to safely carry out their job.

All employees will have a return to work discussion with their line manager on their return to work. This will enable their manager to check their fitness to return to work and to explore any potential underlying issues that may benefit from additional intervention, monitoring and review. If the employee has reached an unacceptable level of absence (as detailed within this Policy and Procedure) they may be asked to attend a monitoring meeting which forms part of the formal process for managing sickness absence and supporting the employee. It is the employee's responsibility to engage in this process to ensure that the right support is provided to them consistently and fairly.

Employees must report their sickness absence as detailed within this Policy and Procedure. Failure to adhere to the reporting process may result in an employee's absence being recorded as unauthorised, which may result in sick pay being withheld.



Absence must be reported prior to the commencement of the employee's normal start time wherever possible, providing their manager with as much notice as possible to enable them to manage the absence appropriately.

## **FIT NOTES**

For sickness absence exceeding 7 calendar days, the employee must obtain a Fit Note and submit it to the Human Resources Department. Fit Notes must run consecutively so there are no gaps in the dates stated. If the employee feels fit enough to return to work before the expiry of a Fit Note they must return to their GP to be signed fit to return to work. The employee must keep their line manager informed in advance of their return to work date, giving them as much notice as possible.

Failure to produce a Fit Note may result in the absence being classed as unauthorised, which may result in loss of pay for that period. Fit Notes advise whether an employee is unfit for work or fit for work with adaptations/reasonable adjustments. Such advice from their GP may include a rehabilitation plan, recommending alterations in their working hours or working pattern, adjusted duties and workplace adaptations. Once presented with this information a discussion can be held with the employee to agree how any recommendations can be accommodated.

## **MEDICAL APPOINTMENTS**

All staff are expected to make every effort to arrange appointments at times which are either outside their normal working time, or where this isn't possible, as close to the start or finish of their normal working day or shift. However, it is recognised that this is not always possible. Staff should access the Special Leave Policy for appointments that are to be taken within normal working hours as a means of requesting and seeking approval for time off to attend medical appointments.

## **PRE AND POST OPERATIVE TREATMENT**

There may be occasions when an employee is required to follow a course of treatment before or after undergoing surgery. Such absence will normally be recorded as sickness absence.

## **8. PREGNANCY RELATED SICKNESS ABSENCE**

Absences which are as a direct consequence of pregnancy will be recorded and managed as sickness absence in line with this policy and procedure, but will not be included in calculating absence for the purpose of triggering a formal sickness absence meeting. All absences whilst pregnant should be reviewed separately by the line manager as part of an on-going risk assessment. If during the 4 week period before the beginning of the employee's EWC, the employee is absent from work due to sickness relating wholly or partly to their pregnancy, this will automatically trigger the start of their maternity leave.

## **9. INCIDENTS AT WORK**

Where an employee's sickness absence is attributed to an accident, assault, injury or disease whilst undertaking the duties of their post, it is important that the absence is managed in accordance with this policy and procedure, taking the situation into account. Where the employee has been negligent or breached the Trust's rules, policies, procedures or guidance or the Health and Safety at Work Act 1974, and their actions have then resulted in an accident, assault, injury or disease, their absence will be managed in the usual way (although the issue may also be considered under the Disciplinary Policy and Procedure). Serious accidents must be reported (e.g. RIDDOR, BI100A).

## **10. THIRD PARTY CLAIMS**

Where an employee is absent from work due to injury or illness which is a result of a third party, and the employee successfully claims against the third party, the employee will reimburse The Education Alliance for the amount of pay they received whilst absent from work.

## **11. SUSPENSION OF SICK PAY**

The Education Alliance has the right to suspend sick pay where an employee abuses the sickness scheme or is absent on account of sickness due or attributable to deliberate conduct prejudicial to recovery or the employee's own misconduct or neglect or active participation in professional sport or injury while working in the employee's own time on their own account for private gain or for another employer. Suspension of sick pay may also occur if an employee fails to follow the sickness reporting procedure; fails to provide appropriate documentation, or; where the sickness is not genuine. In such circumstances the employee will be advised of the grounds for suspension and they shall have a right of appeal against the decision to a panel. If the panel decide that the grounds were justified the employee shall forfeit the right to any further payment in respect of that period of absence. Abuse of the sickness scheme may be dealt with under the Disciplinary Policy and Procedure.

## **12. MEDICAL SUSPENSION**

In exceptional circumstances the Trust may decide to suspend an employee on medical grounds. This may occur where concerns are raised regarding an employee's ability to undertake their duties safely due to mental or physical illness or injury and reasonable adjustments either can't be put in place to enable the employee to remain at work or, the interim reasonable adjustments wouldn't adequately enable the employee to work safely in their role. Temporary redeployment into another role should also be considered prior to a medical suspension taking place. The CEO (or in their absence the Executive Principal) has the authority to medically suspend a member of staff and the Head of School has the authority in the CEO and Executive Principal's absence. The section relating to suspension in the Disciplinary Policy should be followed and the Trust must seek medical advice at the earliest opportunity to limit the period of time an employee remains on medical suspension. Any member of staff potentially facing medical suspension will be consulted and the Trust will seek medical advice and support in considering the risks and

possible options at the earliest opportunity. Medical suspension would be a last resort and the employee would be paid full normal pay in such circumstances.

### **13. SECONDARY EMPLOYMENT**

Employees should not undertake employment outside The Education Alliance paid or otherwise whilst off work due to sickness unless agreed by the CEO and Director of Human Resources. If an employee is absent from work due to sickness and works elsewhere the matter may be viewed as a disciplinary matter, therefore staff must produce medical clearance which states that they are medically unfit for the work they undertake at The Education Alliance, yet medically able to undertake other work prior to undertaking work elsewhere whilst absent from work due to sickness.

### **14. ANNUAL LEAVE**

Staff on long-term sickness absence are legally entitled to carry forward untaken statutory annual leave, which they continue to accrue whilst on sickness absence. If an employee leaves or is dismissed whilst on long term sickness absence they will be entitled to pay in lieu of untaken statutory annual leave.

Staff on long-term sickness absence may also request to take annual leave whilst on sickness absence and they may also request to use some of their annual leave as part of a structured return to work plan.

If an employee becomes unwell whilst on annual leave they should contact the Absence Line and the HR Manager if they wish to reclaim their annual leave.

### **15. RETURNING TO WORK**

As soon as is practicable, upon returning to work, managers must have an informal discussion with the employee to discuss their fitness to return to work and consider any additional support they require (such as a rehabilitation programme). There is a return to work discussion form within e-days which supports the discussion. The completion of the return to work discussion form within e-days is the manager's responsibility. Where practicable, the return to work discussion should take place face to face and the line manager should familiarise themselves with the employee's previous attendance history to enable a discussion about absence and any potential triggers or underlying problems whilst also enabling managers to ascertain whether the employee has reached an unacceptable level of sickness absence.

### **16. DISABILITY CONSIDERATIONS**

Under the Equality Act, 2010, a person has a disability if:

- they have a physical or mental impairment
- the impairment has a substantial and long-term adverse effect on their ability to perform normal day-to-day activities

For the purposes of the Act, these words have the following meanings:

- 'substantial' means more than minor or trivial
- 'long-term' means that the effect of the impairment has lasted or is likely to last for at least twelve months (there are special rules covering recurring or fluctuating conditions)
- 'normal day-to-day activities' include everyday things like eating, washing, walking and going shopping

People who have had a disability in the past that meets this definition are also protected by the Act. There are additional provisions relating to people with progressive conditions. People with HIV, cancer or multiple sclerosis are protected by the Act from the point of diagnosis. People with some visual impairment are automatically deemed to be disabled. Some conditions are specifically excluded from being covered by the disability definition, such as a tendency to set fires or addictions to non-prescribed substances.

The management of employees who become disabled as a result of sickness may mean employers have to make 'reasonable adjustments' as dictated by the disability discrimination provisions of the Equality Act, 2010 before they can return to their job. The types of adjustments that the Trust might be required to consider include:

- making physical adjustments to the workplace
- allocating some of the disabled person's duties to another person
- altering the disabled person's working hours through, for example, part-time working, job sharing or other flexible hours arrangements
- providing special equipment to assist the disabled person to perform his or her tasks and giving training in the use of the equipment
- transferring the disabled person to a suitable vacant post with or without reasonable adjustments being made
- consideration of disability related absence used for triggers for formal meetings may be viewed as a reasonable adjustment

It is vital that the manager, the employee, the employee's representative (where applicable), the Human Resources representative and the EAP work together to discuss potential disabilities and the options in relation to reasonable adjustments (e.g. how much does the adjustment reduce the disadvantage?).

## **17. BRADFORD FACTOR**

The Trust has adopted the Bradford Factor formula to calculate a Bradford Factor score for every member of staff. This is calculated as follows:

$A \times A \times D = \text{score}$

A = number of absences

D = total number of days absence taken

The period considered is a rolling 12 month period and the initial trigger for a monitoring meeting is 200 points, acknowledging that this enables early support to be triggered for employees.

## **18. MONITORING MEETINGS**

Absence impacts on service delivery, student experience, levels of health and wellbeing for other staff and costs within the school. When an employee hits the initial trigger of a Bradford Factor score of 200 they will be referred to a first stage monitoring meeting (with their line manager, a representative from the Human Resources Department and potentially a Trade Union representative/work colleague). The line manager must arrange to meet with the representative from the Human Resources Department before the meeting is arranged. The employee will receive a letter inviting them to attend a first stage monitoring meeting and they will be advised to seek Trade Union support where appropriate.

The purpose of a monitoring meeting is therefore to:

- Explore and establish with the employee any underlying problems which may be affecting their health, giving rise to high levels of absence
- Determine any need for specific medical advice (e.g. a referral to Occupational Health Services)
- Explore the actions required to assist the employee in improving and maintaining their health and wellbeing
- Develop an improvement or rehabilitation plan as appropriate
- Establish whether the employee has made a conscious and reasonable effort to improve
- Establish a subsequent review meeting within three months of the date of the meeting
- Establish whether there are any possible disability implications as defined under the Equality Act, 2010

Possible outcomes of monitoring meetings may include a range of actions to help improve attendance in line with the expectations of the School, as well as; no further action (as a result of improved attendance), movement to the next stage of the process (as a result of continuing concerns about attendance) or (at a final stage) dismissal.

Each monitoring meeting must result in an agreed action plan, an established subsequent review meeting and a review period (normally 12 months) with the exception of where a dismissal occurs.

### **Stage 1 – Line Manager and HR Representative**

- At a 1<sup>st</sup> Stage meeting appropriate actions must be agreed to form part of an improvement or rehabilitation plan, with a review date of three months at the most being established.

- The Employee must be cautioned that if a sustained, significant and satisfactory improvement in attendance is not achieved following the meeting then the employee may be referred to stage 2 of the procedure.
- After three months if a satisfactory improvement is achieved the line manager will write to the employee following the review meeting to confirm that no further action will be taken.
- After three months if there has been some improvement, but not to a significant or satisfactory level, a further review meeting (within Stage 1) may be arranged.
- After three months, (or earlier if there has been significant further absence within the monitoring period) if a satisfactory improvement is not achieved the employee may be progressed to Stage 2 of the procedure. The employee will receive notification in writing that they have been referred to Stage 2 of the procedure.

### **Stage 2 – Member of the SLT and HR Representative**

- At a 2<sup>nd</sup> Stage review meeting appropriate actions must be agreed to form part of an improvement or rehabilitation plan, with a review date of three months at the most being established.
- The Employee must be cautioned that if a sustained, significant and satisfactory improvement in attendance is not achieved following the meeting then the employee may be referred to the Final Stage of the procedure.
- After three months if a satisfactory improvement is achieved the line manager will write to the employee following the review meeting to confirm that no further action will be taken.
- After three months if there has been some improvement, but not to a significant or satisfactory level, a further review meeting (within Stage 2) may be arranged.
- After three months, (or earlier if there has been significant further absence within the monitoring period) if a satisfactory improvement is not achieved the employee may be referred to a Final Stage monitoring meeting. The employee will receive notification in writing that they have been referred to the Final Stage of the procedure.

### **Final Stage – Panel and the Director of HR**

A meeting will be held before a panel in line with the Scheme of Delegation at which information will be presented by a member of the management team about the Employee's absence, the actions that have been taken so far to help the Employee to achieve a satisfactory level of attendance, and the impact of continued absence levels. The Employee and their Trade Union representative or work colleague will also attend to discuss their absence, actions taken to support them (e.g. exploration of ill-health retirement) and present any additional relevant information. If the employee fails to attend the meeting, any written submissions or representations made on their behalf by their Trade Union representative or work colleague shall be considered by the panel. A decision will then be made in their absence.

As a result of this meeting either;

- Appropriate actions will be agreed to form part of an improvement or rehabilitation plan, with a review date of three months at the most being

established. The Employee must be cautioned that if a sustained, significant and satisfactory improvement is not achieved then a further Final stage meeting will be held and the Employee may be dismissed.

- The employee will be dismissed.

## **Un-sustained Improvement**

If following a review meeting where sustained improvement had been shown, the improved attendance record is not sustained for a period of 12 months the employee may move onto the next stage of the procedure rather than beginning at Stage 1 again.

## **Appeal**

An employee has a right of appeal against dismissal under this process. If the employee wishes to appeal they must do so in writing to the Executive Principal within ten working days of the date of the letter confirming their dismissal. The appeal letter must clearly state the grounds for appeal and the appeal letter must be acknowledged within 10 working days of receipt of the letter. The employee is entitled to be heard personally at the appeal. They will be encouraged to be accompanied by either a Trade Union representative or work colleague.

The appeal may be dismissed, allowed in full or allowed in part by amending the original decision made at the Final stage meeting.

## **19. LONG TERM ABSENCE**

When an employee is absent for at least 4 weeks continuously or when it is expected that their absence will last for 4 weeks or more, their absence will be viewed as long term. In those circumstances their line manager must seek advice from the Human Resources Department who may refer the employee to the EAP. The line manager must discuss this with the employee and on receipt of medical advice the manager must again liaise with the Human Resources Department. The report must be shared and discussed with the employee and possible actions should be considered (e.g. how/when an employee might return to work; any restrictions or recommendations; any adjustments).

The line manager will normally arrange monthly review meetings with the employee if possible, with HR advice, to ensure that their absence is continuously reviewed and that various options within this procedure are explored within the context of the illness (e.g. that they are receiving appropriate support and that rehabilitation plans and structured return to work plans are discussed where appropriate). Meetings may take place at a mutually acceptable location.

The manager, in conjunction with the employee, the EAP, the Human Resources representative and the Trade Union representative (where applicable), must:

- Establish the current position regarding the employee's condition and treatment
- Consider any medical issues or underlying causes that require further investigation

- Consider possible disability implications as defined under the Equality Act, 2010 and possible associated restrictions/reasonable adjustments (seek advice from the Human Resources representative and the EAP)
- Consider any future implications (e.g. is the condition likely to recur?)
- Ensure the employee has been offered and received appropriate support (and check the difference this has or hasn't made for the employee)
- Consider a rehabilitation programme in conjunction with the EAP and the Human Resources representative.
- Consider (with the EAP and the Human Resources Department) possibilities for redeployment into suitable alternative employment
- Consider whether or not ill-health/early retirement might be an option for the employee and the school to consider
- Consideration of other external agencies and schemes, such as Access to Work

Redeployment into suitable alternative employment may be considered, with or without adjustments. There is no obligation to create a job, but redeployment may be a consideration for staff unable to return to their substantive role.

### **Final review meeting**

In cases of long term sickness absence, the employee may be subject to a Final review meeting as per the Scheme of Delegation once all other options have been exhausted.

In such circumstances the Trust will:

- Review the employee's sickness absence record to assess whether or not it is sufficient to justify dismissal
- Consult the employee
- Obtain up-to-date medical advice
- Advise the employee in writing as soon as it is established that dismissal may be a possibility
- Meet with the employee to discuss the options and consider the employee's views on continuing employment
- Review if there are any redeployment opportunities
- Consider a recommendation for dismissal on the grounds of ill-health capability
- Allow a right of appeal against the dismissal
- Ensure the employee is treated reasonably, with dignity and respect throughout the process

Where an employee is suffering from a terminal illness, the matter will be dealt with in a caring and sensitive manner. The manager alongside the Human Resources representative and the Occupational Health Services will work closely together to consider the best interests of the employee. They will ensure that appropriate support, advice and guidance are available for the employee.



If the employee is dismissed on the grounds of ill-health capability they will have a right of appeal. The appeal panel will consist of three members of the Board of Directors that have not been involved in the decision to dismiss the employee and an HR advisor.

If, once an employee has returned to work after a period of long term sickness absence, they are absent again for a short term period, a discussion will take place.

## **20. DISCIPLINARY PROCEEDINGS**

If the employee is facing a disciplinary process and is likely to be absent due to illness or injury on a long-term basis, the Trust may have no alternative, but to place the disciplinary proceedings on hold whilst the sickness absence is managed via this Policy and Procedure. In such circumstances, the employee will be informed that the disciplinary matter has been placed on hold pending their recovery. However, it may be in the best interest of the employee and the school for the employee to be allowed to make written submissions rather than attending a disciplinary investigation or hearing. The Disciplinary Policy and Procedure has further detail on this option and the employee will be encouraged to access support via their Trade Union.

## **21. STRESS AT WORK**

The ACAS guide on 'Stress at Work' highlights the impact stress at work can have on individuals and organisations. The Health and Safety Executive estimates that 13.5 million working days were lost to stress, depression and anxiety in 2007/8 and each new case of stress leads to an average of 31 days off work (costing society about £3.7 billion every year). Under the Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999, employers are required to undertake risk assessments for health hazards at work and to take appropriate action to address the risk. Stress is defined as a health hazard at work.

Work place stress is defined by the Health and Safety Executive as *'the adverse reaction people have to excessive pressures or other types of demand placed on them at work'*. Work related stress occurs when an employee is unable to cope with the demands placed on them. Stress at home can also result in stress reactions at work and stress can be an underlying cause for many illnesses, such as anxiety, depression, heart disease, back pain, headaches, gastrointestinal illnesses and alcohol and drug dependency. Whilst the Trust recognises that as a high achieving work environment there is pressure at work, it aims to reduce the risk of work-related stress through the following interventions:

- Ensuring jobs are appropriately designed and that staff have access to appropriate training to enable them to perform to a high level at work
- Involving staff in decisions that affect them wherever possible
- Providing staff with opportunities to seek support when they need it (e.g. through the Employee Assistance Programme/Occupational Health)
- Ensuring employment related policies and procedures are fair, consistent and reasonable
- Enabling staff to settle into new roles well by having an effective induction process and reviewing training needs when staff move into new roles

- Planning changes and ensuring staff are consulted appropriately wherever possible
- Encouraging teamwork to enable talented individuals to share and utilise their knowledge, skills and strengths in support of team objectives
- Resilience training and development
- Consideration of the Dignity and Respect Policy, ensuring any relationship issues at work are addressed.

Stress management is included in the management of sickness absence, including the consideration of reasonable adjustments. The Trust will ensure that managers have access to appropriate training, guidance and support to provide them with greater insight into the potential triggers for stress at work, the way in which those triggers can be minimised and the possible signs or symptoms of stress. This greater awareness should provide managers with the ability to discuss any concerns they may have with employees at an early stage rather than waiting for a crisis to emerge. Managers may notice a change in an individual's behaviour, such as worsening relationships with others, indecisiveness, absenteeism, inability to delegate, general deterioration, withdrawal or a change in their demeanour. The responsibility for identifying stress and the effects of stress rest with managers and staff (ACAS guide on Stress at Work, April 2009). The EAP has a variety of tools, techniques, advice and guidance in relation to stress and stress management. Additional information regarding stress at work can be found in the Manager's Guide for Health and Wellbeing.

## **22. MONITORING COMPLIANCE**

Effectiveness and compliance of this Policy and Procedure will be monitored via the reporting and auditing management of sickness absence issues as they arise.

## **23. REFERENCES**

Equality Act 2010  
 Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) Regulations 2010  
 Health and Safety at Work Act 1974  
 Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995  
 Data Protection Act 1998  
[www.cipd.co.uk](http://www.cipd.co.uk)  
[www.acas.org.uk](http://www.acas.org.uk)  
[www.hse.gov.uk](http://www.hse.gov.uk)  
 The National Agreement of Pay and Conditions of Service (NJC for Local Government Services)  
 School Teachers' Pay and Conditions Document

## **24. ASSOCIATED DOCUMENTATION**

Dignity and Respect Policy  
 Special Leave Policy  
 Health and Safety Policy

Disciplinary Policy  
Capability Policy  
Redeployment Procedure  
Alcohol and Substance Misuse

## Appendix 1

### Authority to Take Action

#### Short-Term Persistent Absence

<b>Action</b>	<b>Authority</b>
Return to work discussions and risk assessments	Line Manager
Stage 1 Meeting & Stage 1 Review Meeting	Line Manager & HR
Stage 2 Review Meeting	Member of Executive Board or Senior Leadership Team & HR
Final Stage Meeting	As detailed in the Scheme of Delegation
Final Stage Review Meeting	As detailed in the Scheme of Delegation
Appeal	As detailed in the Scheme of Delegation
Medical Suspension	CEO ( the Executive Principal in their absence or the Head of School in the absence of the CEO and the Executive Principal)

#### Long-Term Absence

<b>Action</b>	<b>Authority</b>
Monthly monitoring meetings	Line Manager & HR
Final monitoring meeting	As detailed in the Scheme of Delegation
Appeal	As detailed in the Scheme of Delegation

**Where HR is named above a HR representative will attend in an advisory capacity.**

**The Education Alliance encourages staff to access support from their trade union where appropriate in all formal meetings and long-term monitoring meetings.**