



## Health and Wellbeing Policy and Procedure Version 10.3

<p><b>Important:</b> This document can only be considered valid when viewed on the Education Alliance website. If this document has been printed or saved to another location, you must check that the version number on your copy matches that of the document online.</p> <p><b>Name and Title of Author:</b></p>	<p>Lisa Pipes, Director of HR and Governance</p>
<p><b>Name of Responsible Committee/Individual:</b></p>	<p>Trust Board</p>
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<p><b>Monitoring:</b></p>	<p>This policy will be monitored and reviewed by the relevant body in conjunction with trade unions via the JCNC on an annual basis.</p>
<p><b>Target Audience:</b></p>	<p>All staff</p>
<p><b>Related Documents:</b></p>	<p>Dignity and Respect Policy  Special Leave Policy  Equality and Diversity Policy  Health and Safety Policy  Disciplinary Policy  Capability Policy  Redeployment Procedure  Substance and Alcohol Misuse and Smoking Policy  Data Protection Policy  <a href="http://www.cipd.co.uk">www.cipd.co.uk</a>  <a href="http://www.acas.org.uk">www.acas.org.uk</a></p>

	<a href="http://www.hse.gov.uk">www.hse.gov.uk</a> The National Agreement of Pay and Conditions of Service (NJC for Local Government Services) School Teachers' Pay and Conditions Document
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## **POLICY STATEMENT**

We are here to make great schools and happier, stronger communities so that people have better lives. We do this by:

- Always doing what is right
- Trusting in each other and standing shoulder to shoulder
- Doing what we know makes the difference

Doing what is right means always acting with integrity, in the interests of others and being honest, open and transparent.

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 range of support and resources, including Occupational Health services (providing pre-employment screening and mid-employment assessments and support), and an Employee Assistance Programme (providing confidential telephonic counselling services and telephone helplines 24 hours a day, 7 days a week). Our view is that staff want to maintain a high level of health and wellbeing and a holistic package of support provides 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 Trust has an approach to health and wellbeing that includes physical, financial, mental and emotional health and wellbeing. The Occupational Health Department and Employee Assistance Programme support staff and the organisation, and the HR Department has collated a number of supportive resources and signposting information, which have been placed on the People Portal for staff to access as and when they need help, advice and support. The Trust provides access to financial information and ethical savings and loan providers (e.g. Salary Finance). The Trust has made a pledge to the Time to Change movement, which aims to change how people think and act about mental health problems. Time to Change provides a structure for staff to support each other, free access to resources and support to raise awareness, helping people to spot signs and take appropriate action to help each other. We have Time to Change Champions across the Trust, undertaking activities to support mental health awareness in our schools.

The Education Alliance is committed to supporting staff in taking a proactive approach and we endeavour to encourage staff to take personal responsibility for their health and wellbeing. The Trust has a clear sense of purpose, which is understood and shared across the Trust. The ethical leadership framework and the Workload Charter illustrate the Trust's commitment to translating the vision and values into behaviours, which aim to provide staff with a work environment which is safe, enjoyable and supportive. The Trust has effective health and safety controls in place, supportive policies and procedures, skilled and competent managers and leaders, and jobs which are satisfying, encouraging teamwork, creativity and accountability.

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 HR Department and Trade Unions.

This policy is designed to attempt to prevent illness wherever possible whilst also ensuring employees who are absent due to illness or injury are appropriately managed through the use of 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.

Health and wellbeing, sickness absence and attendance procedures sit within a legislative framework, which the Trust has been mindful of when reviewing this policy. Particular areas of legislation linked to this policy include the Equality Act 2010, Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) Regulations 2010, the Health and Safety at Work Act 1974, Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995, the Human Rights Act 1998 and the Data Protection Act 2018.

## **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 our schools are healthy places 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 and confidentially seek support when they need it.

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

- Dealing sensitively and respectfully 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 Occupational Health Department and the Employee Assistance Programme) and internal services (such as the HR Department), their managers and leaders.
- Ensuring that managers have access to appropriate training, support and guidance
- Recognising disability issues and responding appropriately

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, the Conditions of Service for School Teachers in England and Wales (Burgundy Book) and the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service (Green 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, Headteachers and Local Governing Bodies** are responsible for ensuring that staff are treated fairly and consistently in the application of this policy and procedure.

The **HR 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, governors and Trustees to enable the appropriate management of sickness absence.
- Working in partnership with Trade Unions, ensuring fairness and consistency is achieved whilst also ensuring staff are adequately supported.
- Co-ordinating appropriate redeployment processes as detailed in The Education Alliance's policies and procedures as and when appropriate.
- 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
- Have return to work discussions with staff as soon as is reasonably practicable on an employee's return to work following sickness absence
- Comply with the requirements of the Equality Act, seeking advice and guidance from the HR Department
- Undertake appropriate risk assessments with staff, working collaboratively, managing and escalating risk as 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 their school's absence reporting procedure
- Check and sign an absence declaration form within 5-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 HR Department works with the **Occupational Health Department**, which undertakes:

- Pre-employment health screening
- Mid-employment health screening
- Ill-health retirement assessments

Referrals to the Occupational Health Department are made by the HR Department, with the individual's consent, and the Occupational Health Department advises the organisation on a range of health matters, including fitness to work, phased return to work, adaptations and/or restrictions, reasonable adjustments, potential lighter duties and redeployment.

The **Employee Assistance Programme (EAP)** provides staff with free access to telephonic confidential counselling, telephone helplines and online resources, 24 hours a day, 7 days a week. Provision includes:

- Independent health and welfare information and advice, support and guidance
- Access to resources, tools and techniques to enable healthy lifestyle choices, increasing awareness and understanding
- Telephonic counselling

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

The Trust is committed to:

- Promoting equality and diversity in its policies, procedures and guidelines, adhering to the Equality Act 2010.
- 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. DEFINITIONS**

The Education Alliance provides support for staff with the aim of preventing ill health and sickness absence wherever possible. Where sickness absence occurs, staff will have access to support and they will have return to work discussions after every sickness absence, to ensure managers are able to check their fitness for work and to establish whether there are any potential workplace triggers to be aware of. The manager and employee will jointly consider any workplace risks, discuss any resources or support available to the employee and discuss the employee's position with the Health and Wellbeing Policy and Procedure (e.g. are they nearing an absence review point). Return to work discussions are informal discussions, and they may result in supportive interventions, a greater awareness of any potential disability/long-term condition, enabling the manager and employee to discuss any support or intervention that may be helpful. For some situations, the completion of a wellness action plan (appendix 2) may be useful.

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 may be dealt with in accordance with the Disciplinary Policy and Procedure and it may result in loss of pay.

## **5. 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 Occupational Health Department). 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 work will normally be reviewed on a weekly basis. An employee on a phased return to work will receive full normal pay.
- Access to telephonic confidential counselling through the Employee Assistance Programme.

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

## **6. SICKNESS ABSENCE REPORTING**

It is expected that staff will attend work wherever reasonably possible and that when they cannot 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, the line manager and possibly the HR Department. 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 HR Department and their Trade Union 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 be 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.

## **7. FIT NOTES**

For sickness absence exceeding 7 calendar days, the employee must obtain a fit note and submit it to the Cover Officer/HR 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 contact their line manager to discuss their intentions and to enable a risk assessment to be undertaken before they return. The employee must keep their line manager informed in advance of their return to work date, giving them as much notice as possible, and their line manager may need to seek support from the HR Department prior to agreeing an early return to work.

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 will be held with the employee to agree how any recommendations may be accommodated.



## **8. 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 and requests should be made via E-days.

## **9. 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.

## **10. 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 formal sickness absence meetings. 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 expected week of childbirth, 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.

## **11. DISABILITY RELATED SICKNESS ABSENCE**

Absences, which are as a direct consequence of a disability, will be recorded and managed as sickness absence in line with this policy and procedure. Such absence will normally be included in calculating absence for the purpose of formal sickness absence meetings, however, there may be occasions where a period of absence is not included in calculating absence for the purpose of formal sickness absence meetings (e.g. where treatment or surgery is required to enable the employee to remain at work and the treatment or surgery results in a period of recovery). The circumstances of the case will be discussed with the Headteacher and the Director of HR and Governance, to ensure operational difficulties, risks and consistency are all fully considered before a decision is made.

## **12. 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 be 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. RIDDHOR, BI100A).

### **13. 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.

### **14. SUSPENSION OF SICK PAY**

The Education Alliance has the right to suspend sick pay where:

- an employee abuses the sickness scheme
- an employee is absent on account of sickness due or attributable to deliberate conduct prejudicial to recovery or the employee's own misconduct
- an employee is absent due to 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 of sick pay, and they shall have a right of appeal against the decision. If the appeal panel decides 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.

### **15. 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 or the Executive Principal. 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.

### **16. 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 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 their HR Department if they wish to reclaim their annual leave.

## **17. RETURNING TO WORK**

As soon as is practicable, upon returning to work, managers must have an informal return to work 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 the discussion to include consideration of any potential triggers or underlying problems whilst also enabling managers to share with the employee an update regarding their level of absence and absence management via the policy and procedure.

## **18. 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. Some conditions are specifically excluded from being covered by the disability definition, such as addictions to non-prescribed substances.

Employees who have a disability may require 'reasonable adjustments' as dictated by the disability discrimination provisions of the Equality Act, 2010, to enable them to continue to work effectively in their role. 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 absence review points, which may be viewed as a reasonable adjustment

Considerations relating to potential reasonable adjustments may include the following:

- The cost of the adjustment and available organisational resources, exploring external sources of assistance, such as Access to Work

- The practicality of the adjustment
- The efficacy of the adjustment in preventing the disadvantage (does the adjustment remove the disadvantage?)
- The disruption to business and the effect on others caused by the adjustment
- Health and safety considerations

It is vital that the manager, the employee, the employee's representative, the HR Department and the Occupational Health Department work together to discuss disability, potential reasonable adjustments and the options available to support the employee.

## **19. BRADFORD FACTOR**

The Trust has adopted the Bradford Factor formula to calculate a Bradford Factor score for every member of staff. The Bradford Factor was devised in the 1980s by the Bradford University School of Management, and the calculation and scoring system is used to measure sickness absence. It gives more weight to frequent, short term absence, as short-term absence is most disruptive and difficult to manage. 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 absence review point is 200 points, acknowledging that this enables early support to be initiated for employees. Employees can view their Bradford Factor score and attendance/absence information via their personal dashboard on the E-days system, and the Trust encourages staff to check their attendance/absence information in a fair and transparent way, thus enabling staff to raise any queries or concerns they may have.

## **20. MONITORING MEETINGS**

Absence affects service delivery, student experience, levels of health and wellbeing for other staff and costs. When an employee hits the initial absence review point of a Bradford Factor score of 200 they will be referred to a first stage monitoring meeting. Their line manager will normally chair the meeting, with advice from a member of the HR Department, and the employee may wish to have a Trade Union or work colleague with them at the meeting. The line manager should meet with the HR Department before the meeting is arranged to discuss the case and the employee will receive a letter inviting them to attend a first stage monitoring meeting, in which they will be advised to seek Trade Union support if they are in a Trade Union (or a work colleague if not).

The purpose of a monitoring meeting is to:

- Explore and establish with the employee any underlying problems, which may be affecting their health and wellbeing, giving rise to high levels of absence
- Determine any need for specific medical advice (e.g. a referral to the Occupational Health Department)
- Explore any actions, which may assist the employee in improving and maintaining a good level of health and wellbeing
- Discuss and agree any support or intervention that may assist the employee in improving their health and wellbeing and attendance at work

- Establish a subsequent review meeting within three months of the date of the meeting, advising the meeting may be brought forward if further absence occurs within the review period
- Establish whether there are any possible disability implications as defined under the Equality Act, 2010, and any reasonable adjustments, which may be considered to assist the employee in managing their disability and their work more effectively

Possible outcomes of monitoring meetings may include a range of actions to help improve attendance in line with the expectations of the school, such as; reasonable adjustments, either on a temporary or permanent basis, flexible working requests, completion of a wellness action plan, referral to the Occupational Health Department if medical advice is required, 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.

A letter will be sent to the employee following a monitoring meeting, detailing the key points of the discussion, any agreed actions, support or intervention, a date for a review meeting and clarification of the review period, alongside details of the Employee Assistance Programme.

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

Managers must approach monitoring meetings with care, sensitivity, professionalism and respect, seeking to develop their understanding of the employee's health and wellbeing, encouraging engagement, listening and enabling the employee to share details that may assist in the management and improvement of the employee's attendance and health and wellbeing. Managers are advised to prepare well for the meeting. Preparation may include arranging a suitable time and place for the discussion, ensuring the employee has received their invite letter and that they understand the purpose and scope of the meeting, and that the employee is aware they can bring a trade union or work colleague to the meeting. Preparing for the meeting allows any misunderstandings to be clarified before the meeting takes place, and it ensures that the employee understands what is happening. Managers are encouraged to prepare for the meeting with the HR Department, ensuring any medical advice received has been shared and understood. Any advice regarding restrictions and reasonable adjustments can be explored from an operational feasibility perspective prior to the meeting, which again allows a more constructive meeting to take place.

At a first stage monitoring meeting, appropriate actions may be agreed, where appropriate, with the aim of supporting the employee to improve their attendance levels and their health and wellbeing. Whilst managers are encouraged to support employees, the Trust also recognises that the employee should experience a joint discussion, rather than feeling something is being done to them. It is therefore useful for employees to also prepare in advance of meetings, with their trade union or work colleague, to consider what they might need to do or request to enable satisfactory improvements to be made. Decisions will be made based on the information shared; therefore, employees are encouraged to consider what they are willing to share, and the potential impact of not sharing information. Normally, a review date of three months at the most will be established, which may be pulled forward if further absence during the review period occurs.

The employee will be advised of the need for improvements, and that whilst the aim is to support improvements, it is recognised that where improvements are not made, eventually, the individual's employment may be at risk. The employee will also be advised that if they

are absent for a day or two, in one absence occurrence, during the review period, it is unlikely that they will progress to the next stage of the process. However, the employee will also be advised that if a sustained, significant and satisfactory improvement in attendance is not achieved, the employee may be referred to stage 2 of the procedure.

Following the review period, if a satisfactory improvement is achieved, the line manager will meet with the employee to recognise the improvement and to confirm that no further action will be taken.

If during the review period there has been some improvement, but not to a significant or satisfactory level, or no improvement, the manager will meet with the employee and advise them of this, and they will jointly review the actions agreed at the last meeting and their impact, subsequent health and wellbeing levels and agreement will be sought regarding future actions, with the aim of supporting the employee to improve their levels of attendance. This meeting will form stage 2 of the process.

### **Stage 2 – Manager, a Member of the Senior Leadership Team (SLT) and HR Representative**

At a second stage review meeting, consideration will be given to the actions taken since the previous meeting and the impact of those actions, any barriers or blockers experienced in achieving the agreed actions, the employee's levels of health and wellbeing and any medical information received.

The line manager and the senior leader will check their understanding of the situation and the employee's health and wellbeing, assessing any changes that have taken place throughout the review period, and assessing the employee's needs against the needs and operational feasibility of the organisation. They should consider any additional actions they can take to improve the situation, and they may consider the potential for redeployment with the employee, should it be viewed that this may help the employee to remain in employment or gain suitable alternative employment. Care must be taken to ensure the employee understands this is an optional, supportive approach and they can decline it if they wish. Any medical advice must be discussed with the employee, and the need for further advice should be considered jointly. The employee must be advised that if a sustained, significant and satisfactory improvement in attendance is not achieved, the employee may be referred to the final stage of the procedure, which can result in dismissal. The employee must be advised that it is the Trust's intention to support them in improving their attendance levels; however, it is only fair to advise them of the potential consequences should this not occur. It is crucial that this discussion is handled with care, sensitivity, respect, professionalism and that managers make every effort to fully engage with the employee.

Decisions will be made based on the information shared; therefore, employees are encouraged to consider what they are willing to share, and the potential impact of not sharing information. Normally, a review date of three months at the most will be established, which may be pulled forward if further absence during the review period occurs.

If after the review period, a satisfactory improvement is achieved, the manager will meet with the employee to recognise the improvement and confirm that no further action will be taken. If there has been some improvement, but not to a significant or satisfactory level, the employee will be advised that their review period may be extended, to allow for a satisfactory improvement to be achieved, and a further review meeting may be arranged.

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 HR Representative**

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 following:

- the employee's absence history, including any improvements made
- the actions that have been taken so far to help the employee achieve a satisfactory level of attendance and the impact of those actions
- the impact of continued absence levels on students/service provision/other staff
- medical advice received and actions associated with said advice
- options that have or have not been considered as an alternative to dismissal (e.g. redeployment, reasonable adjustments)
- the likelihood of a return to work in the foreseeable future
- the potential for ill-health retirement to be considered an option

The Employee and their trade union or work colleague will also attend to present information regarding the absence/attendance levels, actions taken to support them (e.g. exploration of reasonable adjustments, either temporarily or permanently, or redeployment) 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. If the employee requests the meeting be rescheduled, the Trust will endeavour to reschedule the meeting. Continued requests to reschedule, or failure to attend without prior notification, will result in a decision being made in the employee's absence.

Where the panel believes that options open to the Trust have not been adequately considered, they may decide to extend the review period, establishing appropriate actions which will form part of an improvement or rehabilitation plan, with a review date of three months at the most being established. Alternatively, they may seek an adjournment to consider the case, and if additional information is required, they will reconvene the meeting and share the information with the employee and their representative.

If the panel believes that the Trust has exhausted all options and where available information indicates that there is no likelihood of a return to work in the foreseeable future, the panel may decide to dismiss the employee, with notice. Depending on the circumstances of the case, this could be a dismissal on the grounds of ill-health capability or ill-health retirement.

#### **Unsustained 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 Director of HR and Governance 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 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.

## **21. 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 HR Department who may refer the employee to the Occupational Health Department, for medical advice and guidance. On receipt of medical advice, the manager and HR will with the employee and their representative, where they have one, to discuss the detail of the report and to consider next steps (e.g. how/when the employee may return to work, and any restrictions, adaptations or adjustments advised).

The line manager will normally arrange monthly review meetings with the employee if possible and appropriate, with HR advice, to ensure that there is regular contact with the employee, and that their absence is continuously reviewed. The manager should agree with the employee the mode and frequency of contact, to ensure it works for both parties. Regular meetings enable the manager, HR and the employee (with their representative if they have one) to discuss and explore various options within this procedure 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, or via the telephone, where meeting is not possible.

The manager, in conjunction with the employee, the Occupational Health Department, the HR 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 (with advice from the Occupational Health Department)
- Consider any future implications (e.g. is the condition likely to recur and how might this be effectively managed at work)
- Ensure the employee has been offered and received appropriate support (and check if this has made a difference for the employee in improving their health and wellbeing)
- Consider a rehabilitation programme in conjunction with the Occupational Health Department
- Consider, with advice from the Occupational Health Department, possibilities for redeployment into suitable alternative employment
- Consider whether ill-health/early retirement might be an option for the employee and the Trust to consider
- Consideration of other external agencies and schemes, which may provide further assistance, 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 and the likelihood of a return to work in the foreseeable future, to assess whether or not it is sufficient to justify dismissal
- Consult with the employee
- Obtain up-to-date medical advice, where possible
- Advise the employee verbally and 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 HR representative and the Occupational Health Department 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, and the employee's family.

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 Trustees, Members or Governors that have not been involved in the decision to dismiss the employee and an HR representative.

When an employee returns to work following a long-term absence, they will normally meet with their manager, HR and their trade union representative or a work colleague, to ensure that their return to work is managed effectively, with risk assessments undertaken where appropriate, wellness action plans completed and or/reviewed and monitoring meetings and processes discussed and understood by all. 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 with the employee will take place to establish whether the absence relates to the health condition that had previously resulted in long-term absence, whether there are any workplace triggers that require further consideration and any additional support or action they employee or the organisation can undertake to reduce the risk of further absence occurring.

## **22. 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.

## **23. 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 reports that stress, depression or anxiety accounted for 12.8 million lost working days in 2018/19. On average, each person suffering took around 15.1 days off work, but this varies according to categories of illness and injury:

- 8.1 days for injuries
- 17.3 day for ill health cases
- 21.2 days for stress, depression or anxiety
- 13.8 days for musculoskeletal disorders

Schoolsweek reported on 15 February 2020 that teacher mental health sickness absence is rising (from 27% of all sick days in 2015/16 to 29% in 2018/19 (schoolsweek.co.uk). The Trust is mindful that not all absence due to mental health issues is reported as such; therefore, it is likely that the actual figures are even higher than reported. The Trust has a number of activities ongoing to improve health and wellbeing in our schools, including the Be Well Programme, which considers the needs of students, staff and parents/carers, increasing capacity and support in our schools; the Time to Change activities enable Time to Change Champions to make changes in their schools to support colleagues and reduce the stigma attached to mental health issues; and the Employee Assistance Programme is a service that is free to staff and they can access it 24 hours a day, 7 days a week. The HR Department has also placed resources on the People Portal for staff to access when they need it, including resources and signposting information. In addition, the Workload Charter and Ethical Leadership Framework aim to provide staff with manageable, meaningful, enjoyable work environments.

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, and the Trust has Wellness Action Plans and Risk Assessment templates for managers and staff to use to enable risks to be discussed and managed effectively.

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
- Access to resilience training and development
- Consideration of the Dignity and Respect Policy, ensuring any relationship issues at work are addressed quickly, sensitively and effectively, utilising informal methods, such as mediation, wherever possible, enabling staff to resolve issues together in a constructive, supportive way
- Ensuring the ethical leadership framework is implemented effectively throughout the organisation.

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 Employee Assistance Programme has a variety of tools, techniques, advice and guidance in relation to stress and stress management. Managers and staff are encouraged to utilise wellness action plans, to enable joint consideration of issues, potential triggers, signs and symptoms to be shared, resulting in agreed support and intervention strategies being established. The HR Department works with the trade unions, staff, time to change champions and the Be Well strategy providers, ensuring there are resources, signposting information and supportive approaches at work, enabling staff easy access to information and support they need, when they need it.

## **24. 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, emotional or physical illness or injury and reasonable adjustments cannot 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 Headteacher has the authority in the CEO and Executive Principal's absence. 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.

## **25. MONITORING COMPLIANCE WITH AND EFFECTIVENESS OF THE POLICY**

Effectiveness and compliance of this policy and procedure will be monitored on an annual basis by the HR teams across the Trust.

## **26. REVIEW**

This Policy and Procedure will be reviewed within two years of the date of implementation with recognised trade unions via the JCNC.

## Appendix 1

### Authority to Take Action

#### Short-Term Persistent Absence

Action	Authority
Return to work discussions, wellness action plans and risk assessments	Line Manager
Stage 1 Meeting & Stage 1 Review Meeting	Line Manager & HR
Stage 2 Review Meeting	Line Manager, Member of the 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 Headteacher in the absence of the CEO and the Executive Principal)

#### Long-Term Absence

Action	Authority
Monthly monitoring meetings	Line Manager & HR (with a Member of SLT involved when nearing the final review)
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.

## Wellness Action Plan

A wellness action plan is a proactive approach we can all use to improve and maintain our mental health wellbeing at work. It helps us to be aware of what we need to do to stay well at work, and also what our managers can do to support us. It helps us develop an insight into our working style, stress triggers and responses and enables us to share this with our manager and improve our own personal resilience.

You only need to share information that you are comfortable with, and that relates to your role. This form will be stored safely and confidentially. Ideally, you should regularly review it with your manager.

Information in this plan is confidential and will not be shared with others without your consent; however, we have a duty of care to keep staff safe at work and if we become aware that you or someone else may be at serious risk of harm, we may have to contact emergency services.

### **1. What helps you stay mentally healthy at work?**

(For instance taking a lunch break away from your desk, getting some exercise before or after work, light and space in the office, opportunities to get to know colleagues)

**2. What can your manager do to proactively support you to stay mentally healthy?**

(For instance regular feedback and catch-ups, team meetings, explaining wider organisational developments)

**3. Are there any situations at work that may trigger poor mental health for you?**

(For instance, conflict at work, organisational change, incompatible priorities or conflicting deadlines, a chaotic working environment, things not going to plan)

**4. How might experiencing poor mental health affect you and your work?**

(For instance, you may find it difficult to make decisions, prioritise work or find it hard to concentrate?)

**5. Are there any early warning signs that we might notice when you are experiencing poor mental health?**

(For instance, changes in working pattern, irritability, over-reacting or moody, withdrawing from colleagues?)

**6. What support could we put in place to minimise triggers or help you to manage the impact?**

(For instance, extra catch up time with your manager, guidance on prioritising work?)

**7. Are there any elements of your working style that you think you should share with your manager?**

(For instance, preference for face to face contact, having a written plan of work, access to a mentor, clear deadlines?)



**8. If we notice early warning signs that you are experiencing poor mental health - what should we do?**

(For instance, talk to you discreetly about it, e-mail you or contact someone you have nominated?)

**9. What steps can you take if you start to you experience poor mental health at work? Is there anything we can do to facilitate this?**

(for instance, time out to discuss with your manager or HR?)

**10. Is there anything else you would like to share or discuss?**

## Helpful Definitions

### **Mental Health**

We all have mental health just as we have physical health and how we feel can vary from good mental wellbeing, to difficult feelings, to more serious problems.

### **Mental Wellbeing**

The ability to cope with the everyday stresses of life, work productively, interact positively with others and realise our own potential.

### **Poor Mental Health**

A state of low mental wellbeing leaving you unable to cope with day-to-day life and situations.

### **Mental Health Problems**

We may all have times when we struggle with mental health for a short period or due to a particular situation, but when these difficulties continue and affect our day-to-day lives for a long time, this is a mental health problem.

### **Work-related Stress**

The HSE definition - an adverse reaction people have to excessive pressure or other demands placed on them at work. Stress is not a medical condition but if it is prolonged and severe, it may lead to depression, anxiety or other mental health problems.

Employee signature:.....

Date:.....

Line manager signature:.....

Date:.....

Date to be reviewed:.....