FRANCIS BARBER

Staff Sickness Code

2024-2025

Reviewed November 2024

Sickness Code

For all Schools within the Wandsworth Schools HR Contract Arrangement.

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Introduction

This Code shall apply to all school staff (other than staff who have enhanced terms derived from a prior TUPE transfer) and those in a probationary period. This Code supersedes all previous sickness codes and complies with legal obligation and promotes best practice. It is recommended to all Management Boards.

The school supports health and wellbeing for all its staff and in return expects a high level of attendance from all its employees which requires all staff to make every effort to attend work. This Code aims to improve attendance by supporting employees who are absent from work due to sickness and to ensure that attendance is regularly reviewed against common standards.

It is good management practice to monitor and review sickness absence levels and the reasons for staff sickness absence. This has two main purposes: firstly, so that the Headteacher/ senior managers can be aware of the actual and potential problems with service delivery, and can take steps to rectify these; secondly, so that individual health problems can be identified at an early stage, and medical advice sought to enable the school to consider any reasonable adjustments for the employee. This document is based on the Wandsworth Shared Staffing Arrangement policy for which an Equality Impact Assessment has been conducted. In many cases employees will approach Headteachers/ senior managers and supervisory staff to discuss sickness problems but, in addition, all employees have the right under the Code to approach their trade union representative for advice and guidance at any stage and are encouraged to do so.

Employees are responsible for attending work and complying with the sickness absence reporting procedures when they are not fit to do so and providing fit notes when necessary. They are required to attend return to work meetings, Occupational Health appointments, sickness reviews and any other meetings called in accordance with this Code. They should take reasonable steps to maintain good health and seek prompt medical help and/or management support for any health problems that may affect their ability to attend work.

If an employee does not comply with the sickness absence procedures, including the reporting procedures and this Code, this may be dealt with under the Disciplinary Code. A copy of this Code can be found in the staff handbook or on the school internal website.

Headteachers/ senior managers are responsible for ensuring they are familiar with the Code and understand the procedure for reporting sickness absence. Employees must be supported and treated sensitively objectively and fairly. Headteachers/ senior managers must monitor and maintain accurate sickness absence records for

their staff and request that a referral is made to Occupational Health or should speak to a Schools Human Resources Officer to seek advice and guidance when required.

Trade unions are responsible for providing support, advice and guidance to staff as appropriate and will represent employees if requested.

In Community schools it is recommended that a representative of the Director of Children's Services attend the hearing to advise the Headteacher/ Staffing Committee or Appeal Committee. This role would usually be undertaken by a Senior Human Resources Officer from Schools' HR.

A. Confidentiality

Any person involved with this or any other management process is expected to maintain confidentiality at all stages, except as required or permitted by the Code. If an employee breaches confidentiality, this will be investigated and any appropriate disciplinary action may be taken, in accordance with the Disciplinary Code.

Records will be kept no longer than necessary and in compliance with GDPR and Data Protection Act 2018.

B. Return to Work Discussion/ Meetings

Return to work meetings have been proven to be the most effective way to help employees manage and maintain good attendance.

When an employee returns to work following any period of sickness absence, they should complete a self certificate and it is recommended that they meet with their line manager to discuss their absence. This meeting should where possible take place on the day they return to work. On each occasion the Return to Work, discussion form should be completed at the same time.

The purpose of the meeting is to ensure the employee is fit for work, understands what effect their absence has had on the school and to agree any actions arising. If a risk assessment is needed this should be completed at this time to ensure the safety of the employee, staff and pupils of the school. If the school requires advice on completing any risk assessment form they should speak to Occupational Health.

Where the line manager is aware that an employee is nearing the stage where formal action may be invoked under the Code, this should be brought to the employee's attention during the Return to Work meeting.

C. Reasonable Adjustments

The school will consider requests for reasonable adjustments to working arrangements for any disabled employees in line with the Equality Act 2010 and for any employees where this will help to facilitate a return to work and promote good attendance following sickness

absence. Advice on any requested adjustments can be provided by Occupational Health.

D. Short Term Sickness Absence

Short term absence is defined as

When an employee has incurred absences of

- 3 or more days per month to a regular pattern
- Any pattern of absence that causes concern e.g regular absence on Mondays or Fridays.
- or had within any period of 12 months a total of either:
  10 working days of sickness absence (pro rata for part time staff) **or**
  5 or more occasions of any length

The attendance record should be formally reviewed with the employee as soon as possible by the Headteacher/senior manager.

Exceptionally, where formal action is not proposed, the reason for this should be confirmed to the employee with a warning that further absence may trigger formal action. If this is the case, an informal discussion should take place between the Headteacher/senior manager and the employee, to review the position and to check that appropriate support and assistance is being provided. Where a meeting is not held, it is recommended that the reasons should be discussed with your allocated Schools Human Resources Officer.

Triggers for part time employees

These pro-rata triggers will ensure that the opportunity to support part time staff as soon as possible at a Supporting Attendance Meeting is not missed.

The threshold of 10 days' absence in a twelve month period that requires a full time employees to attend a First Stage Absence Review Meeting with their manager will be pro-rated for part time workers. This is shown in the table below:

Number of working days the employee work per week (full or part days)	**Trigger for cumulative days of sickness**
1	**2**

2	**4**
3	**6**
4	**8**

For example, an employee who works two days per week will trigger a formal Frist Stage Absence Review meeting, if they have 4 cumulative working days' absence in a rolling 12 month period.

D.1 First Stage Absence Review

D1.1 The formal review meeting should be conducted by the Headteacher/senior manager as soon as possible after the episode of sickness absence which triggered the Code. The employee shall be given 3 working days' notice, informing them of the purpose of the meeting and offering the employee the opportunity to be accompanied by a representative.

D1.2 At the meeting, if the employee suggests that an underlying medical condition or disability is or may be a contributory factor to their level of sickness absence, they should be referred to Occupational Health. A referral may however be made at other times, if appropriate. Occupational Health will gain consent from the employee prior to releasing the report. Some employees will consent to the report being released to their Headteacher/senior manager at the same time they are provided with a copy.

D1.3 Once a report has been received from Occupational Health, the Headteacher/senior manager will arrange to meet with the employee again to review the up-to-date medical information. At this stage, the Headteacher/senior manager may wish to consult their allocated Schools' Human Resources Officer about further action under the Code.

D1.4 During the first stage absence review meeting, the circumstances of the absences and any Occupational Health reports received, and the effect of the employee's absences shall be discussed. Any support or assistance which may help the employee should also be discussed including the completion of risk assessments.

D1.5 Where the level of attendance is considered unsatisfactory, the employee shall be informed that an improvement is required, that further monitoring will take place in accordance with the circumstances of the case and that failure to improve or additional sickness absence occurring during the review period, will result in moving their case to the next stage of the code. An initial review period not exceeding 3 months is normally appropriate. The employee needs to be informed that should their attendance not improve

during the formal review under the Code, their case could be referred to the Headteacher/Staffing Committee of the Management Board for consideration and that this could lead to dismissal from the School/ Council service. The outcome of the review meeting will be confirmed in writing.

D1.6 Where, at the end of the specified period, satisfactory improvement has resulted and the employee has dropped below the trigger levels, the Headteacher/senior manager should meet with the employee and they should be informed accordingly. The employee should be advised that should this improvement not be maintained for 18 months (see Technical Details), the case may be considered under the next stage of the Code and informed of the possible consequences of this. The outcome of this meeting and warning as to future attendance should be confirmed to the employee in writing.

D.2 Second Stage Absence Review

D2.1 Where there has not been a satisfactory improvement in the level of short-term absence by the end of the specified period or if there is significant deterioration before that date or where an employee retriggers the Code at any stage during the review period, the Headteacher/senior manager should arrange a second stage absence review meeting. The employee shall be given 3 clear working days' notice, informing them of the purpose of the meeting and offering the employee the opportunity to be accompanied by a representative.

D2.2 Exceptionally, where formal action is not proposed, the reason for this should be confirmed to the employee with a warning that additional absence may trigger further formal action. If this is the case, an informal discussion should take place between the Headteacher/senior manager and the employee, to review the position and to check that appropriate support and assistance is being provided. Where a meeting is not held, the reasons should be discussed with the allocated Schools Human Resources Officer.

D2.3 If the Headteacher/senior manager has not prior to the second stage absence review meeting referred the employee to Occupational Health, they should do so. If the employee suggests that there continues to be an underlying medical reason for the absence the Headteacher/senior manager should rerefer them to Occupational Health to obtain an up-to-date medical report. Once a report has been received from Occupational Health, the Headteacher/senior manager will arrange to meet with the employee again to review the up-to-date medical information. At this stage, the school may wish to consult School's Human Resources about further action under the Code.

D2.4 During the second stage absence review meeting, the circumstances shall be discussed, including the Occupational Health report, if appropriate, and the effect of the employee absences on the school. Any support or assistance which may help the employee improve their attendance should be discussed and it should be ensured that any risk assessments are completed or reviewed.

D2.5 If the employee has previously been advised of the need for improvement, the employee shall be further warned at the meeting that should there be no satisfactory improvement in the level of attendance over the review period, the case will be referred to the Headteacher/Staffing Committee of the Management Board for consideration and that this could lead to dismissal from the School/ Council service.

D2.6 A review period will be set, in accordance with the circumstances. A further period not exceeding 3 months is normally appropriate. The schools allocated Senior HR Officer should be contacted for advice in cases with special circumstances where this period may not be appropriate. At this stage consideration should also be given to requiring the employee to submit a medical certificate for all future absences. Should the requirement to submit a medical certificate result in additional expenditure for the employee the School will meet the cost of this.

D2.7 Where at the end of the second stage review period a marked improvement from the original level of absence has resulted, but the absence is still 10 full-time equivalent days or more in a 12- month period or 5 or more occasions of any length in a 12- month period, a further review shall be arranged as appropriate in the circumstances and the employee informed accordingly. This will be confirmed in writing.

D2.8 Where satisfactory improvement has resulted and the employee has dropped below the trigger levels, the Headteacher/senior manager should meet with the employee and the employee informed accordingly. The employee should be warned that should this improvement not be maintained for 18 months (see Technical Details), the matter may be referred to the next stage of the Code. The outcome of the meeting and warning as to future attendance should be confirmed to the employee in writing.

D.3 Future Employment Capability Meeting – Short term absence

D3.1 Where an employee has been seen and warned as to the level of their absence at a second stage absence review meeting under the short term section of the Code, and has failed to improve their absence or retriggers the Code during the review period, and has not been certified by an Independent Medical Practitioner as permanently unfit for duty, a meeting should be arranged to discuss their future employment capability.

D3.2 During the meeting the Occupational Health reports should be discussed along with any adjustments put into place to support the employee and any reasons for the continued high level of sickness absence should be discussed.

D3.3 Where formal action is not proposed, the reason for this should be discussed with the schools allocated Human Resources Officer and recorded on the personal file. If formal

action is proposed, the case shall be referred to the Headteacher/ Staffing Committee of the Management Board for a hearing under section E2 of the Code to consider the employees continued employment.

E. Headteacher/Staffing Committee Hearing

E.1 Preparation for the hearing

E1.1 The employee shall be informed in writing of the date, time and place of the hearing, giving at least five clear working days' notice. The notice should state the purpose of the hearing and that a possible outcome is dismissal from the service of the School/ Council. The employee shall be provided with the statement of the facts of the case and the Occupational Health Report 3 days prior to the hearing. This shall include a full absence record and an assessment of the effect of the absence on the individual's performance and on the service generally. The employee shall also be informed that they may be accompanied by a trade union or other representative. The notice shall be delivered by hand to the residence or workplace of the employee or sent by post recorded delivery or by e-mail.

E1.2 In the case of a hearing which may lead to a dismissal from a Community school, the Director of Children's Services must be represented. This role may be undertaken by a Senior Human Resources Officer from the Schools' HR team. The school will liaise with Schools' HR to facilitate their attendance at such hearings.

E1.3 The employee should be advised that, if they wish to submit any updated documents statements or other written evidence for consideration by the Headteacher/Staffing Committee, then they should do so at least 48 hours before the hearing.

E.2 Conduct of the Hearing

a. A Human Resources Officer shall whenever possible be present.

b. The school must provide someone to take notes of the hearing. These may later be made available to the employee, on request.

c. The facts of the case shall be reported by the person presenting the management case with reference to the written report, including up to date medical information and taken as read by the Headteacher/Staffing Committee.

d. The employee and any representative shall be given the opportunity to ask questions of the person presenting the management case.

e. The Headteacher/Staffing Committee and Human Resources Officer/Director's representative shall ask questions to establish the facts of the case.

f. The employee and any representative shall then put their case to the Headteacher/Staffing Committee to explain the circumstances of the absences and any other relevant information.

g. The person presenting the management case shall be given the opportunity to ask questions of the employee and/or representative.

h. The Headteacher/Staffing Committee and the Human Resources Officer shall ask questions as necessary.

i. The Headteacher/Chair of the Staffing Committee may adjourn the hearing at any time to allow for further evidence to be produced or for any other purpose in the particular circumstances.

j. The person presenting the management case shall sum up followed by the employee or representative.

k. The Headteacher/the Chair of the Staffing Committee will then adjourn the hearing to consider their decision. The representative from Human Resources will be present whilst the Headteacher/Staffing Committee deliberates their decision.

l. The Headteacher/Staffing Committee shall then take such action as is appropriate in the circumstances. See paragraph E3 for the possible outcomes.

m. The employee and any representative shall then be informed of the decision. The decision shall be confirmed in writing by letter, sent by recorded delivery or by hand to the residence or workplace of the employee or e-mailed. The letter will also include the right to appeal.

E.3 Outcome of Headteacher/ Staffing Committee hearing

E3.1 The decision on appropriate action rests with the Headteacher/Staffing Committee of the Management Board. Dismissal with notice from the School/Council is one option or in exceptional circumstances, to reissue a final written warning for a period of up to two years.

E3.2 If the employee is not dismissed, a final warning should always be given in writing. Arrangements shall be set for future reviews. An expungement period not exceeding 2 years

shall also be specified.

E3.3 Where an underlying medical condition has been confirmed and/or there is medical evidence to suggest that an improvement in the absence level would result from redeployment or work adjustments then redeployment or reasonable adjustments may be considered as an alternative to dismissal. Any changes to the role will be reflected in the pay, where necessary.

E.4 Confirmation of decision

E4.1 The Headteacher's/ Staffing Committee's decision shall be confirmed in writing by letter sent by post recorded delivery, or delivered by hand, to the residence or workplace of the employee or e-mailed. In cases of dismissal the letter shall state the last day of service. The employee shall be informed of appeal rights to the Appeal Committee of the Management Board and that such appeals must be lodged within ten working days of the date on which the written decision was delivered to the employee.

E4.2 In cases of dismissal at a Community School the decision of the Headteacher/Staffing Committee shall be confirmed in writing by letter sent by the Director of Children's Service by recorded delivery post or delivered by hand or by e-mail. This can be arranged by your allocated HR Officer. The letter will include the date of the last day of service.

F. Long Term Sickness Absence

Long term absence is defined as an absence of 5 working weeks (or equivalent for employees who work a non-standard week), either continuously or as a total during a 12-month period.

If an employee has previously triggered the Code in the last year by having more than 5 working weeks absence in one episode, and they activate the short- term triggers, action will commence at D2 the second stage sickness review.

Where formal action is not proposed, the reason for this should be discussed with the schools allocated Human Resources officer and recorded on the personal file.

F.1 First stage – absence review

F1.1 It is good practice for the School to maintain contact with the employee from the first stages of the absence. The contact must not be excessive or in such a way as to exacerbate the illness. The school's reporting arrangements require the employee to contact the Headteacher/senior manager during their absence and provide certificates of fitness from

work which they have been issued by their GP/ hospital.

F1.2 When the employee has had five working weeks' absence or equivalent for employees who work a non-standard week, either continuously or as a total during a 12 month period, they will trigger the first stage absence review under the Long -Term section of the Code.

F1.3 All cases that trigger the Long -Term section of the Code will be referred to Occupational Health as soon as is practicable, notifying the employee at the same time. Occupational Health will advise the Headteacher/senior manager on the present health of the employee and fitness for work and to attend sickness review meetings as well as advising on any work adjustments which the Headteacher/senior manager can consider.

F1.4 After five weeks absence, should the employee remain absent, the Headteacher/ senior manager will then write a letter to the employee advising them of what stage they are at in the Code, what will happen should they continue to be absent and to inform them, if they remain off work at 4 months the case shall be referred to a Headteacher/Staffing Committee hearing. The letter should outline what support may be available for them, as well as confirmation of any further Occupational Health appointments.

F1.5 If the employee returns to work after five weeks but before four months' absence in a period of 12 months the case shall be reviewed. If no previous warning exists, then the Headteacher/senior manager shall arrange a meeting with the employee to review the absence.

F1.6 The employee shall be given 3 working days' notice, informing them of the purpose of the meeting and offering the employee the opportunity to be accompanied by a representative.

F1.7 At the review meeting, the Headteacher/senior manager shall discuss with the employee the circumstances of the absences, the Occupational Health report, identify any support, assistance or work adjustments which may be of help and inform the employee of the effect of their absence on their duties and the school.

F1.8 The employee shall be advised that if their absence increases to four months sickness absence, either continuously or as a total during a twelve month period, their case shall be referred to a Headteacher/Staffing Committee hearing and that one outcome could be their dismissal from the School/Council.

F1.9 If warnings as to future attendance have previously been issued within the past year under the Code, either under long-term or short- term absence, then the case should be referred to either Section D2 second stage or Section E for review by a Headteacher/Staffing Committee hearing as appropriate.

F1.10 If the employee is unable to attend the first stage review meeting due to illness the Headteacher/senior manager should offer a mutually agreed alternative location. If the employee is unable to attend a meeting at any agreeable location, the information should be conveyed in writing and the employee clearly informed of the next stage in the Code which could be referral to a hearing and that one possible outcome could be dismissal from the School/ Council.

F1.11 Exceptionally the Headteacher/senior manager may consider formal action to be inappropriate in the circumstances and a discussion should take place with the employee to review the position and check that appropriate assistance is being obtained. Where a meeting is not held, the reasons should be recorded on the personnel file.

F1.12 If during the review period, any additional sickness absence which means the employee's level of sickness absence retriggers the Code, the line manager will meet again with the employee and explain that their attendance will be reviewed under the next stage of the Code, which is the second stage absence review.

F1.13 The outcome of any review will be confirmed in writing to the employee.

F1.14 If the employee is aggrieved regarding the reasonableness of the action that has been taken, the method of pursuing this is set out in Section G.

F.2 Second stage – absence review

F2.1 When the employee has had ten working weeks' absence or equivalent for employees who work a non-standard week, either continuously or as a total during a 12- month period, but before four months' absence in a period of 12 months the Headteacher/senior manager shall arrange a meeting with the employee to review the absence level, which should take place as soon as possible after the report has been received from Occupational Health. The employee shall be given 3 working days' notice of the meeting to enable the employee the opportunity to be accompanied by a representative.

F2.2 At the review meeting, the Headteacher/senior manager shall discuss with the employee the circumstances of the absences, the Occupational Health report, identify any support, assistance or work adjustments which may be of help, and the effect of the absence on their duties and the school. The employee shall be advised that if their absence

increases to four months sickness absence, either continuously or as a total during a twelvemonth period, their case shall be referred to a Headteacher/Staffing Committee hearing under section E and that one outcome could be their dismissal from the School/Council.

F2.3 Where it is agreed that it is inappropriate to proceed to a formal hearing, a discussion should take place to check that appropriate assistance is being obtained. Where formal action is not proposed, the reason for this should be discussed with the schools allocated Human Resources Officer and details recorded on the personal file.

F2.4 The outcome of the review meeting will be confirmed in writing.

F.3 Future Employment Capability Meeting – Long term absence

F3.1 In the majority of cases the employee is able to return to work before an absence of four months has elapsed in a twelve month period, and before the length and circumstances of the absence call into question their future employment capability. In some circumstances, return to work may be facilitated by allowing the employee to return initially on a phased return. Any such proposed arrangements should be discussed with Occupational Health and pay arrangements should not be less than the employee's occupational sick pay entitlement at that time.

F3.2 If a period of four months sickness absence or more has elapsed, either continuously or as a total during a twelve month period, an assessment shall be undertaken by the Occupational Health Physician. If the employee is found to be not permanently unfit, a meeting should be arranged with the employee to discuss their future employment capabilities. This meeting should include the Occupational Health reports, any adjustments the school has put into place to support the employee or that the school is able to consider in order, to enable the employee to return to work.

F3.3 Where formal action is not proposed, the reason for this should be discussed with the schools allocated Human Resources Officer and recorded on the personal file. If formal action is proposed the case shall be referred to a Headteacher/ Staffing Committee of the Management Board for a hearing under section E of the Code to consider the employees continued employment. At this stage, redeployment options may also be considered.

F3.4 For a Headteacher/Staffing Committee hearing to go ahead, the School/Council must, as far as possible, be in possession of the full medical position to make an informed judgement about future health at that stage.

F3.5 If there is a need for more medical advice or information, including the results of tests or treatment or the outcome of a phased return, any hearing should not be arranged until the school has this information to make an informed judgement, within a reasonable time period and based on the facts of the case.

Headteacher/Staffing Committee hearing (see section E)

G. Appeal stage

G.1 General principles

a) This appeals procedure applies in all instances where an employee wishes to appeal against a decision taken at Section E2.

i) the original decision may be seen as unreasonable or unfair in the light of all circumstances; or

ii) Some or all of the steps provided for in this Code (e.g. in respect of warnings and final written warnings or for affording opportunity for the employee's representation, or for hearing procedure), have not been fully observed.

d) An appeal against a decision made by the Headteacher or a Staffing Committee of the Management Board other than a decision on an appeal shall be considered by the Appeals Committee of the Management Board (excluding the members of the Management Board making the original decision) whose decision shall be final. Normally the Committee will comprise of three members of the Management Board, but where there are not enough governors who have not been involved in any previous action or decision connected with the dismissal, and where two governors sat on the original panel, the appeal panel can comprise of two governors.

G.2 Preparation for the appeal

On receipt of an appeal, clearly stating the grounds of their appeal, the employee shall be notified in writing of the date, time and place of a hearing and shall be given at least 5 working days' notice to enable the employee the opportunity to be accompanied by a representative. The letter shall be sent by post recorded delivery or delivered by hand to the residence or workplace of the employee, to be delivered at least 5 working days before the

hearing. The employee shall be provided with the Headteacher's/ Chair of the Staffing Committee's statement of the facts of the case and the report 3 days prior to the hearing.

G.3 Conduct of the appeal

a. A representative from School's Human Resources should be present to advise the Appeal Committee.

b. The school must provide someone to take notes at the hearing and these may be made available to the employee, on request.

c. The facts of the case shall be reported by the Headteacher/Chair of the Staffing Committee, by reference to the written report including up to date medical information and taken as read by the Appeal Committee.

d. The employee and any representative shall be given the opportunity to ask questions of the Headteacher/Chair of the Staffing Committee.

e. The Appeal Committee and Human Resources Officer shall ask such further questions as are necessary to establish the facts of the case.

f. The employee and any representative shall then put his/her case forward and any written information should be taken as read by the Appeal Committee to explain the circumstances of the absences and any other relevant information.

g. The Headteacher/Chair of the Staffing Committee shall be given the opportunity to question the employee.

h. The Appeal Committee and Human Resources Officer shall then have an opportunity to question the employee and any witnesses.

i. The Chair of the Appeal Committee may adjourn a hearing at any time in order to allow for further evidence to be produced, or for any other purpose required by the particular circumstances. An employee who is seeking an adjournment of the hearing must specify the reason for this. The Chair of the Appeal Committee will consider the request, taking advice from the Human Resources Officer as necessary.

j. The Headteacher/Chair of the Staffing Committee and employee shall then sum up.

k. The Chair of the Appeal Committee will adjourn the meeting to consider the case in private with the Human Resources Officer present to provide advice. If it is necessary to recall any party to answer any questions, all the parties shall be

recalled. The Appeal Committee shall decide on the outcome of the appeal in all respects on behalf of the School/Council.

l. All parties shall then be recalled and informed of the decision. The Appeal Committee's decision shall be confirmed in writing by letter, sent by recorded delivery or by hand to the residence or workplace of the employee or by e-mail. The letter shall confirm the decision and that the decision is final.

H. Procedural information

Requests for postponement

If the employee's chosen companion is not available for the date fixed for the hearing then there is a statutory right for it to be postponed once, providing the new date is reasonable and within five working days of the original date. If a hearing is rearranged the employee should be advised that it is unlikely to be postponed again and that the meeting or hearing is likely to proceed either with or without the employee being in attendance.

Reasonable Adjustments

The school will consider reasonable adjustments for any disabled employees in line with the Equality Act 2010 and for any employees where this will facilitate a return to work following sickness absence.

Medical screening

Sufficient paid time off as necessary will be granted for the purpose of cancer screening and subsequent treatment.

Absence through industrial disease, accident or assault arising from or in the course of employment

Periods of absence for these reasons are separate from periods of normal sickness absence and one shall not be offset against the other for the purpose of calculating entitlements.

Medical, dental and all health- related appointments

Employees will be expected to make every effort to arrange all routine medical, dental and other health-related appointments outside of normal working hours or, if this is not possible, at times that will cause the least disruption to the school. If staff are away from their place of work for more than 2 hours, their absence will be recorded as sick. In non-routine cases and exceptional circumstances such as emergency medical treatment or appointments related to a disability, paid time off to attend all or some appointments will be considered in accordance with the Equality Act 2010. Employees should note that, if a hospital appointment is made during

normal working hours, the Employee may, in line with school procedures, be asked to provide a copy of the appointment letter/card to confirm the details.

Absence

If the employee is absent due to sickness during any formal stage of this process, they may be referred to Occupational Health for an assessment about their fitness to take part in meetings or a hearing. There is no distinction between self-certified or medically certified periods of sickness or absence due to industrial injury – the genuineness of sickness absence and decisions made by medical practitioners are not an issue under the monitoring procedures of this Code.

Timescales

The School/Council is committed to completing all people management processes within a reasonable timescale and not subjecting the employee to any undue delay. The line manager, and senior manager or Headteacher/Staffing/Appeal Committee will keep the employee informed of their estimated timescales and inform them of any subsequent delays or major changes to them.

IVF

There is no legal right for time off work for IVF treatment or related sickness. Any IVF appointments and sickness should be treated the same as any medical appointment or sickness.

If the employee finds out they are pregnant they continue to have the same rights throughout their pregnancy and maternity.

The employee is still protected by law against pregnancy discrimination for 2 weeks after finding out an embryo transfer was unsuccessful.

Pregnancy and maternity

Any pregnant employee has the right to paid time off to attend for ante-natal care and must produce evidence of appointments if requested to do so. Any absence that is directly related to an employee's pregnancy will be discounted before monitoring under the Code takes place**.**

Redeployment

Where an underlying medical condition has been confirmed and/or there is medical evidence to suggest that an improvement in the absence level would result from redeployment or work adjustments then redeployment or reasonable adjustments may be considered at any time during the sickness review as an alternative to dismissal. Any changes to the role will be reflected in the pay, where necessary.

Ill Health Retirement

For any cases which Occupational Health confirm meet the requirements of the Ill Health Retirement regulations, these will be processed in accordance with the Ill Health Retirement Procedure. There is an alternative process for teaching staff and those within the teacher's pension scheme.

I. Technical Details

Responsibilities

References to the 'line manager' mean the direct manager of the employee. The appropriate senior manager is a member of the senior leadership team. If the Headteacher has not been involved in any formal meetings with the employee under this Code they can hear cases, where appropriate. The Staffing Committee of the Management Board will hear cases where it is not appropriate for them to be heard by the Headteacher. The Appeal Committee will hear any appeals arising under this Code.

There shall be a right of appeal against the Headteacher's or Staffing Committee's decision to the Appeal Committee.

Employee Representatives

Recognised staff representatives and shop stewards shall be subject to the same standards as other employees but shall be advised that they have the right to be represented by a full time official of their union. To avoid misunderstanding, the officer taking action under this Code shall also immediately contact the Trade Union District Officer or equivalent and no action beyond the informal stages shall be taken until the circumstances of the case have been discussed with that person. If in any circumstances such discussion cannot immediately take place, then the nature of the case and of the arrangements for a hearing shall be notified to the Regional Officer or equivalent and to the local Trade Union Branch Secretary in writing. Thereafter the procedure to be followed shall be as prescribed for employees generally.

Abuse of Sickness Absence Procedures

Cases of apparent abuse of the sickness absence procedures, including failure to comply with reporting procedures, will be investigated and any appropriate disciplinary action may be taken, in accordance with the Disciplinary Code. This applies if the Headteacher/ senior manager has reasonable grounds for believing an abuse of the procedures has occurred, or if, after warning, the proper notification of sickness absence has not been given in accordance with the procedures.

Representation

Where a Headteacher/senior manager has asked to meet an employee for a formal meeting under the provisions of this Code, the employee may be accompanied by a trade union or other representative. This can include another employee unless the latter has given or could be reasonably expected to give management advice on that particular case in performing their own duties with the School/ Council. A representative who is a colleague shall be afforded such time off with pay from their normal duties as shall be reasonably required to prepare for and to attend the hearing.

Return to work meetings are not viewed as formal reviews and therefore there is no right to representation at these meetings.

Co-operation

It is in the interests of both the employee and the school that all employees who are experiencing work difficulties due to ill health obtain full medical attention and that the school is kept informed of progress and the likely outcome of treatment. This is normally arranged via Occupational Health Service. Additionally, certain stages of this Code provide that medical reports be obtained so that any actions are discussed with full knowledge of the facts.

Exceptionally, an employee may not wish to co-operate with this. However, as part of the terms and conditions of all employees, the school can require any employee who is unable to perform normal duties because of illness to attend for a medical examination. Where an employee has refused to do this, after due warning has been given, the school will consider withholding sick pay for the employee, and the stages of this Code can proceed, on the basis of the information available.

Waiver of Time Limits

The periods given in this Code for the completion of stages of procedure are provided to ensure prompt decisions in the interests of the School/ Council and the

individual. Where it is considered by an employee that an exception may be warranted an application for the extension of any prescribed period together with the reasons shall be made immediately to the Headteacher/ Management Board and the decision on any extension shall be final.

Expungement of Records

If a satisfactory improvement has resulted following a period of monitoring which has been instigated at any stage under this procedure the employee should be interviewed at the end of the period and informed accordingly, and this should be confirmed in writing. Should the improvement be maintained for a period of 18 months from the interview date, all reference to action taken under this Code shall be removed from the personal file. The actual sickness record including details of absence shall remain on the file.

J. Absence Reporting for Sickness and Industrial Injury

If you are unable to come to work because of illness or injury you must:

1. ON THE FIRST DAY OF ABSENCE:

Report your absence to your Headteacher/senior manager giving the reason and expected date of return. If you (or another person on your behalf) are unable to contact your Headteacher/senior manager you must contact the School Business Manager.

2. ON EACH CALENDAR DAY UP TO SEVEN DAYS OF ABSENCE:

Contact your Headteacher/ senior manager again to report the circumstances or, if on that day your work place is closed, on the next working day thereafter.

3. AFTER SEVEN CALENDAR DAYS ABSENCE:

Obtain a doctor's statement and submit it to your Headteacher/ senior manager not later than the **EIGHTH DAY** of sickness or industrial injury. Thereafter submit medical statements as they are obtained from the doctor.

In addition, after 7 calendar days absence **YOU MUST** contact your Headteacher/ senior manager after each week of absence in order to maintain communication, giving an

update on your absence, expected date of return, and any other relevant information (e.g. hospital admission).

4. ON YOUR RETURN TO WORK:

Obtain a self certification form from the School and complete it immediately on the day of return irrespective of whether the absence is covered by a doctor's statement.

5. You must submit a doctor's statement for any sickness absence regardless of length immediately before or after a public, bank or other holiday, including school closures. Should this statement result in additional expenditure for you the School will meet this cost.

6. FAILURE TO COMPLY WITH THESE REQUIREMENTS WITHOUT A GOOD REASON WILL AFFECT YOUR ENTITLEMENT TO PAY FOR SUCH ABSENCES.

7. All sickness absence will be monitored in accordance with the School's Sickness Code. Cases of long-term or frequent short-term sickness will be reviewed to determine whether medical or other assistance may be given or to ascertain fitness to perform current duties.

Note:

- In exceptional circumstances (e.g. hospital treatment) your Headteacher/ senior manager may decide to waive the requirement for daily or weekly contact, in which case you will be informed.
- The school may have adopted a different procedure for Employees reporting their absence on the first and subsequent days of absence. School procedures should be followed to ensure contact is maintained.

Amendments to the Code

Where the Governors/Council wishes to amend this Code, it will consult with the trade unions with a view to reaching agreement over the proposed changes. Where agreement cannot be reached, the Governors/Council reserves the right to implement the changes by giving employees one month's notice of the new Code.

Reviewed November 2024

This code has been adopted by the Management Board of

Francis Barber School

from 30th March 2022

Document reviewed by Schools HR – September 2023

Reviewed November 2024