



South East Cornwall Multi Academy Regional Trust

Staff Attendance Policy

Date Reviewed	Date circulated for approval/ Status	Date agreed by Trust Board
3/9/17	Original draft circulated to LGCs and Trust Board. Lengthy consultation with unions before final agreement.	5/12/19
01/09/22	Temporary Covid-19 arrangements ended and policy reviewed as reinstated.	
1/01/23	Process of consultation for this current policy ending in agreement by Trust Board for commencement in Sept 23	June 2023
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Sickness Absence Flow Chart

1st Day Absence – Contact nominated person as per the school's procedure on EVERY day of absence.

If less than 8 calendar days – 'Return to Work (RtW)' meeting on return and will complete a 'Self-Certificate'.

If 8 or more calendar days – 'Return to Work' meeting on return and provide a doctor's 'Fit Note'.

If returning after 4 or more weeks or before 'Fit Note' expires – 'Return to Work' interview will take place before you return so there is time to check if phased return or other measures are needed.

Absences that are not long term

1 st absence	Return to work interview with your line manager (LM). RtW = LM
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2 nd	RtW = LM, Inc. Policy discussion.
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3 rd	RtW = LM: Inc. an informal plan in place to offer support to reduce absence.
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4 th	RtW = LM. Review informal plan, further support offered
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5 th This Year	RtW is a 1st formal meeting with the SLT to which you can invite a colleague or union rep.
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6 weeks after the 1 st formal meeting	If there no further absences, measures are extended and continued support offered.	If there have been further absences each RtW = LM. Then 2nd formal meeting with SLT and colleague or rep. Further targets agreed or in severe cases escalated.
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6 weeks after the 2 nd formal meeting	If no further absences. Remain at the stage shown above	If further absences each RtW = LM. Then 3rd formal meeting decides if case should go to Governor Panel hearing
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Absences that are long term

After 2 weeks	Not yet long term, point of contact and support is put in place.
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After 4 weeks	Absence becomes classed as long term.
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After 6 weeks	Ensuring contact and support is offered in a pattern every two weeks unless the case requires different.
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After 8	Pattern of contact continues
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After a term	HR and SLT review the case and make a decision regarding the suitability of a 1st formal meeting
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6 weeks after the 1 st review ½ Yr	By this stage the absence will have been for 6 months and a second review between SLT and HR takes place. 2nd formal meeting . If formal contact may be detrimental this step can be held off to the next review period.
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6 weeks after 2 nd review	Absence will have been for 2 terms. A third review will take place as a 3rd formal meeting . The Head and Trust HR has the option to continue regular reviews, or refer to a Governor Panel hearing
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A Governor Panel is convened which hears the case from all sides and can recommend dismissal or final written warning or agree further measures. This decision can be appealed.

1. Introduction

- 1.1. We are committed to promoting your wellbeing while encouraging you to maximise your attendance at work. This policy sets out our procedures for reporting sickness absence and for the management of sickness absence in a fair and consistent way. Sickness absence can vary from short intermittent periods of ill-health to a continuous period of long-term absence and have a number of different causes (for example, injuries, recurring conditions, or a serious illness requiring lengthy treatment).
- 1.2. We wish to ensure that the reasons for sickness absences are understood in each case and investigated where necessary. In addition, where needed and reasonably practicable, measures will be taken to assist those who have been absent by reason of sickness to return to work.
- 1.3. We are aware that sickness absence may result from a disability. At each stage of the sickness absence meetings procedure, particular consideration will be given to whether there are reasonable adjustments that could be made to the requirements of a job or other aspects of working arrangements that will provide support at work and/or assist a return to work.
- 1.4. If you believe that you are affected by a disability or any medical condition which affects your ability to undertake their work, you should inform your line manager.

2. Sickness absence reporting procedure

- 2.1. If you are taken ill or injured while at work, you should report or be taken to (See table below) and/or be given permission to go home.

School	If taken ill, report to or be taken to
Dobwalls	Kathryn Pipe, Heather Read or Clare Laing
Landulph	Karen Ball
Liskeard	HR Office
Looe	Headteachers' Office
Saltash	Personnel Office
Trewidland	PPA Room
Trust Shared Services (TSS)	Senior HR Officer

- 2.2. If you cannot attend work because you are ill or injured you should normally telephone (See table below) as early as possible and by no later than the times indicated in the table below. We do recognise that on rare occasions this may not be possible due to the nature of the issue you are dealing with. The following details should be provided:

- The nature of your illness or injury;
- The expected length of your absence from work;
- Contact details;
- You should also inform your line manager of any outstanding or urgent work that requires attention.

School	Contact	Contact no later than:
Dobwalls	Kathryn Pipe	8:30am (Teachers by 7am, TA's by 8am)
Landulph	Karen Ball	07.15
Liskeard	Sarah Strevens	07.00
Looe	Jackie Martin	07.30
Saltash	Jen Rogers	07.15
Trewidland	Kate Palmer	07:00
TSS	Senior HR Officer	09.00

- 2.3. The person named in the table below should ensure that any sickness absence that is notified to them is recorded and reported to the relevant head of department so that they can make arrangements where necessary, to cover work and to inform colleagues and pupils (while maintaining confidentiality).

School	Person who should be notified
Dobwalls	Kathryn Pipe
Landulph	Karen Ball
Liskeard	Sarah Strevens

Looe	Jackie Martin
Saltash	Jen Rogers
Trewidland	Kate Palmer
TSS	Senior HR Officer

- 2.4. You should expect to be contacted during periods of absence by your line manager or other nominated contact who will want to enquire after your health and be advised, if possible, as to an expected return date.

Evidence of incapacity

- 2.5. In line with national benchmarks for terms and conditions, you shall not be entitled to sick pay unless we are notified of your absence by no later than the fourth day of absence and a Statement of Fitness for Work (Fit Note) is supplied not later than the eighth day of absence and subsequent Statements of Fitness for Work (Fit Notes) are submitted at the same intervals as required for DWP (Department for Work and Pensions) purposes.

- 2.6. For sickness absence of up to between four and seven calendar days you must complete a self-certification form which is available from the following person in each school.

School	Person form is available from
Dobwalls	Heather Read
Landulph	Cathy Pethick
Liskeard	Kathryn Axby
Looe	Natalie Mitchell
Saltash	Debbie Hobbs
Trewidland	Kate Palmer
TSS	Di Saunders-Brewer

- 2.7. For absence of more than a week you must obtain a certificate from your doctor (a "Statement of Fitness for Work" also known as a Fit Note) stating that you are not fit for work and the reason(s) why. This should be forwarded to the person in the table below as soon as possible. If the absence continues, further medical certificates must be provided to cover the whole period of absence.

School	Person fit notes should be forwarded to
Dobwalls	Kathryn Pipe or Heather Read
Landulph	Cathy Pethick
Liskeard	Kathryn Axby
Looe	Natalie Mitchell
Saltash	Debbie Hobbs
Trewidland	Kate Palmer
TSS	Di Saunders-Brewer

- 2.8. If your doctor provides a certificate stating that you "may be fit for work" you should inform your line manager immediately. Your line manager will discuss with you any additional measures that may be needed to facilitate your return to work, taking account of your doctor's advice. This will take place either prior to, or at a return-to-work interview. If appropriate measures cannot be taken, you will remain on sick leave and we will set a date to review the situation.
- 2.9. Where we are concerned about the reason for absence, or frequent short-term absence, we may require a private medical certificate from your GP for each absence regardless of duration. If so, we will cover any costs incurred in obtaining such medical certificates, for absences of a week or less, on production of a doctor's invoice.

Unauthorised absence

- 2.10. Cases of unauthorised absence will be handled under SMART's Disciplinary Policy.
- 2.11. Absence that has not been notified according to the sickness absence reporting procedure will be treated as unauthorised absence. If your absence is unauthorised or you provide false and/or misleading information you may suffer deductions in pay, disciplinary action and/or further evidence in support of absences such as those described in item 2.9 above. Emergency leave will be covered under the Leave of Absence policy rather than sickness reporting.
- 2.12. If you do not report for work and have not telephoned the correct contact as listed in the table below to explain the reason for your absence, the member of staff listed below as the 'follow up' will try to contact you, by telephone and in writing if necessary. This should not be treated as a substitute for reporting sickness absence.

School	Correct Contact	'Follow up' contact
Dobwalls	Kathryn Pipe	Heather Read
Landulph	Karen Ball	Karen Ball
Liskeard	Sarah Strevens	Kathryn Axby
Looe	Jackie Martin	Lisa Sutcliffe
Saltash	Jen Rogers	Ian Foy
Trewidland	Kate Palmer	Vyv Lovell
TSS	Di Saunders-Brewer	Jo Lumbard

Keeping in contact during sickness absence

- 2.13. If you are absent on sick leave you should expect to be contacted from time to time by your line manager or other nominated contact, in order to discuss your wellbeing, expected length of continued absence from work and any of your work that requires attention. Such contact is intended to provide reassurance and will be kept to a reasonable minimum, as agreed at the start of your absence
- 2.14. If you have any concerns while absent on sick leave, whether about the reason for your absence or your ability to return to work, you should feel free to contact your line manager at any time.

Medical examinations

- 2.15. We may, at any time in operating this policy, require you to consent to a medical examination by occupational health or a doctor nominated by us.
- 2.16. You will be asked to agree that any report produced in connection with any such examination may be disclosed to us and that we may discuss the contents of the report with our advisers and the relevant doctor.

Return-to-work interviews

- 2.17. If you have been absent on sick leave you will have a return-to-work interview with your line manager or nominated person.
- 2.18. A return-to-work interview enables us to confirm the details of your absence. It also gives you the opportunity to raise any concerns or questions you may have, and to bring any relevant matters to our attention.
- 2.19. Where your doctor has provided a certificate stating that you "may be fit for work" we will hold a return to work interview to discuss any additional measures that may be needed to facilitate your return to work, taking account of your doctor's advice.
- 2.20. If we have a concern regarding your fitness to return to work, you may be sent home and requested to provide a Fit Note confirming that you are fit to return. Alternatively, we may require your consent for a referral to occupational health to assess your ability to return.

Returning to work from long-term sickness absence

- 2.21. We are committed to helping members of staff return to work from long-term sickness absence. As part of our sickness absence meetings procedure, we will, where appropriate and possible, support returns to work by:
- a) obtaining medical advice;
 - b) making reasonable adjustments to the workplace, working practices and working hours;
 - c) considering redeployment; and/or
 - d) agreeing a return-to-work programme.
- 2.22. If you are unable to return to work in the longer term, we will provide any necessary information for you to apply to your pension provider to be considered for ill health retirement.

Sickness absence meetings procedure

- 2.23. We may apply this procedure whenever we consider it necessary, but in general the following pattern is followed.
- (See flowchart at the start of this policy)
- 2.24. Unless it is impractical to do so, we will give you 5 school days' written notice of the date, time and place of a sickness absence meeting. We will put any concerns about your sickness absence and the basis for those concerns in writing or otherwise advise why the meeting is being called. A reasonable opportunity for you to consider this information before a meeting will be provided.
- 2.25. The meeting will be conducted by your line manager or other nominated contact. You may bring a companion with you to the meeting.
- 2.26. You must take all reasonable steps to attend the meeting. Failure to do so without good reason may be treated as misconduct. If you or your companion are unable to attend at the time specified, you should immediately inform your line manager who will seek to agree an alternative time.
- 2.27. Confirmation of any decision made at a meeting, the reasons for it, and of the right of appeal will be given to you in writing within 5 school days of a sickness absence meeting (unless this time scale is not practicable, in which case it will be provided as soon as is practicable).

- 2.28. If, at any time, your line manager considers that you have taken or are taking sickness absence when you are not unwell, they may refer matters to be dealt with under SMART's **Disciplinary Policy**.

Right to be accompanied at meetings

- 2.29. You may bring a companion to any meeting or appeal meeting under this procedure.
- 2.30. Your companion may be either a trade union representative or a colleague. Their details must be given to the manager conducting the meeting, in good time before it takes place.
- 2.31. Employees are allowed reasonable time off from duties without loss of pay to act as a companion. However, they are not obliged to act as a companion and may decline a request if they so wish.
- 2.32. We may at our discretion permit other companions (for example, a family member) where this will help overcome particular difficulties caused by a disability, or particular medical condition, or difficulty understanding English.
- 2.33. A companion may make representations, ask questions, and sum up your position, but will not be allowed to answer questions on your behalf. You may confer privately with your companion at any time during a meeting.

Step 1 - First sickness absence meeting.

- 2.34. The purposes of a first sickness absence meeting may include:
- a) Discussing the reasons for absence;
 - b) Where you are on long-term sickness absence, determining how long the absence is likely to last;
 - c) Where you have been absent on a number of occasions, determining the likelihood of further absences;
 - d) Considering whether medical advice is required in the form of an Occupational Health assessment;
 - e) Considering what, if any, measures might improve your health and/or attendance;
 - f) Considering whether more regular GP notifications are needed;
 - g) Setting an attendance target and a date for review.

Step 2 - Further sickness absence meeting(s)

- 2.35. Depending on the matters discussed at the first stage of the sickness absence procedure, a further meeting or meetings may be necessary. In addition to the matters which may have been considered at the first sickness absence meeting, if it is considered that you are unlikely to be able to return to work from long-term absence, we would, wherever possible, provide advice on sources of further support.
- 2.36. For support staff, if occupational health makes a recommendation that you are eligible for retirement on the grounds of ill health or this is an option you are considering; the person in the table below will offer to arrange a meeting to discuss this with you.

School	Contact person
Dobwalls	Kathryn Pipe
Landulph	Karen Ball
Liskeard	Will Hoar
Looe	Lisa Sutcliffe
Saltash	Ian Foy
Trewidland	Vyv Lovell
TSS	Di Saunders-Brewer

- 2.37. For teachers, if occupational health makes a recommendation that you are eligible for ill health retirement or this is an option you are considering; the Headteacher or nominated member of SLT will offer to arrange a meeting to discuss this with you and offer assistance such as assisting in the submitting an application to the Teachers' Pension Scheme.
- 2.38. If you have been issued with a warning having failed to achieve an attendance target set at a first sickness absence meeting, a further target will be set and this may include a warning that failing to achieve that target may result in dismissal.

Step 3 - Final sickness absence panel hearing

- 2.39. If you don't qualify for retirement on the grounds of ill health and it does not look as if you will be well enough to return to work within a reasonable timeframe, or you have failed to achieve an attendance target set at a further sickness absence meeting, we may invite you to a Governor's panel hearing to consider the possibility of terminating your employment.
- 2.40. The panel hearing will be composed of two nominated Governors who are not members of staff and have not been involved at an earlier stage. A third governor will be available to mediate if a decision cannot be reached.
- 2.41. The purposes of the hearing will be:
- a) To review the meetings that have taken place and matters discussed with you;
 - b) Where you remain on long-term sickness absence, to consider whether there have been any changes since the last meeting, either as regards your possible return to work or opportunities for return or redeployment;
 - c) To consider any further matters that you wish to raise;
 - d) To consider whether there is a reasonable likelihood of you returning to work or achieving the desired level of attendance in a reasonable time;
 - e) To consider the possible termination of your employment.
- 2.42. Termination will normally be with full notice or payment in lieu of notice.

Appeals

- 2.43. You may appeal against the outcome of any stage of this procedure and you may bring a companion to an appeal meeting. You should appeal in writing, stating your full grounds of appeal, to the Clerk to Governors within 5 school days of the date on which you were informed in writing of the decision.
- 2.44. The appeal hearing will be conducted by a panel of Governors who had not previously been involved in the case.
- 2.45. Unless it is not practicable, you will be given written notice of an appeal meeting within 5 school days. In cases of dismissal the appeal will be held as soon as possible. Any new matters raised in an appeal may delay an appeal meeting if further investigation is required.
- 2.46. You will be provided with written details of any new information which comes to light before an appeal meeting. You will also be given a reasonable opportunity to consider this information before the meeting.
- 2.47. Depending on the circumstances, an appeal meeting may be a complete rehearing of the matter or a review of the original decision.
- 2.48. The final decision will be confirmed in writing, if possible, within 5 school days of the appeal meeting. There will be no further right of appeal.
- 2.49. The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity or pay.

Signed by:

Trustee on behalf of the Trust Board:

Date:

Chair of Governors:

Date:

Headteacher:

Date:

This policy will be reviewed biannually.

Further clarification and guidance

Scope

This policy applies to both teaching and support staff in all academies and centres operated by SMART.

Definition of terms

'School days' refer to days on which the academy is open, and attendance is expected as part of your contract. This includes INSET days

'Sickness Absence', for the purposes of this procedure, refers to all occasions where a member of staff is absent because they are unfit for work.

The term 'Headteacher' is used as a shorthand for the Head of each organisation in the Trust. In the case of the Trust Shared Services (TSS) and line management of Heads the 'Headteacher' can be taken to be the CEO and 'Governors' can be taken as Trust Board.

'Representative' refers to a work colleague or a trade union representative who has been certified by their union as being competent.

Review period

This policy will be reviewed biannually.

Responsibility

It is the Headteacher's responsibility to monitor sickness levels and actively manage attendance. The Health and Safety at Work Act requires the Trust Board to ensure, so far as it is reasonably practicable, the health, safety and welfare at work of all their employees. In cases of Headteacher illness the CEO acts in this line management role or, if dealing with staff the Headteacher manages, may nominate a Deputy.

In the context of a Trust, the Trust Board and the CEO hold the Headteachers and Local Governors to account.

Equality Statement

These guidelines have been developed by SMART Multi Academy Trust in consultation with recognised Trade Unions. This policy has been developed to promote a positive attendance culture, manage staff absence effectively and provide for the fair and consistent treatment of staff.

The provisions of the Equality Act 2010 will be applied throughout the implementation of this Policy. Headteachers and staff should consult the guidance found at [Equality Act Guidance for Schools](#). This provides protection for several employee characteristics covered by equality legislation:

- age – covers all age related issues
- disability, including making reasonable adjustments
- gender reassignment from the moment transition starts
- race,
- religion or belief,
- sex – matters associated with being male or female,
- sexual orientation including feelings, sexuality as well as identity
- marriage and civil partnership status
- pregnancy and maternity

Further details about what happens in the Governor Panel

In advance of the meeting, the Panel will be provided with copies of any relevant documents in respect of the case (e.g. copies of medical reports, Headteacher's report regarding impact on the academy etc.). The employee and their 'representative' will also be provided with copies of the relevant documentation no later than 10 school days before the meeting. The employee and/or their 'representative' may also make verbal and/or written submissions to the hearing. Where the employee intends to make written submissions to the meeting, he/she should endeavour to provide these no later than 5 school days before the hearing where possible.

The purpose of the Panel will be:

- If the employee is not able to be present despite at least one rescheduling
 - to consider the written evidence provided by the employee and others
- If the employee is present
 - to inform the member of staff of her/his attendance record and that it shows insufficient improvement;
 - explore the reasons for lack of improvement including any report from Occupational Health and invite the individual or her/his 'representative' to present her/his case as to why s/he should not be dismissed;
 - consider the comments, circumstances, evidence and perspectives presented by the employee;

- o consider the feasibility of alternative working arrangements that would facilitate a satisfactory level of attendance from the employee that could be accommodated by the academy;

The Headteacher or other appropriate Senior Leader will attend the hearing to present to the Panel information on the process undertaken to date in respect of attempts to facilitate the employee's return to work, any considerations of redeployment that may have been made, any relevant medical information (including medical reports) and the impact of the ongoing sickness absence on the operations of the academy.

Recommendations that the panel could make include:

- A further period of review and defined objectives for a period of time.
- Alternative measures that may alleviate the impact on the academy.
- A final written warning which remains live for 6 months.
- On the balance of the evidence provided, the Panel of Governors may resolve to recommend dismissal of the member of staff.
- A rejection of the process and recommendations for changes in policy.

Informing the employee of the outcome

The Panel of Governors will decide, on the basis of evidence available, including any Occupational Health report, whether or not to recommend to the Trust Board that the member of staff is dismissed (subject to the individual's right to appeal).

The Headteacher will send a letter confirming the decision of the Governor Panel to the member of staff within 5 school days of the meeting. If the decision is to dismiss the member of staff must be advised of their right of appeal.

If the employee chooses not to appeal within the specified period or if the subsequent appeal is not upheld, the Chair of the Panel of Governors will request the Chair of the Trust Board to issue a dismissal letter to the individual with due notice. The dismissal letter must state the reasons for dismissal.

Appeals

Appeals against a dismissal or any formal warning must be made by the member of staff in writing to the Clerk to the Trust Board and Local Governing Committees or, where the appellant is the Headteacher, to the Chair of the Trust Board, outlining the reason for the appeal within 5 school days of receiving written confirmation of the dismissal. Appeals will be heard, as soon as possible after receipt of the appeal application.

Appeals against a dismissal will be heard by a Panel comprising of governors. This Panel will exclude governors who have prior knowledge of the of the formal process. Additionally, the number of people constituting the Appeals Panel cannot be less than the number that constituted that Governor Panel that made the recommendation to dismiss.

All documents that were considered by the Governor Panel that made the recommendation to dismiss at the first meeting will be provided to the Appeals Panel. The employee and/or their 'representative' will also be provided with a copy of the relevant documents in advance of the hearing. The employee and/or their 'representative' may also make verbal and/or written submissions to the Appeals Panel at the appeal meeting. Where documents are submitted to the Appeals Panel, the employee and/or their 'representative' should endeavour to ensure these are provided no less than 5 school days before the date of the appeal meeting.

The Appeals Panel, having considered the matter, may either uphold or overturn the decision of the previous Panel of Governors hearing and the employee will be notified of this decision within 5 school days.

Following the outcome of the Appeal Panel, the Chair of the Trust Board will be notified and will issue the dismissal letter with the decision to dismiss the member of staff on grounds relating to capability due to ill health. The employee is entitled to written notice in accordance with their contract of employment or as an alternative, pay in lieu of notice may be considered for payment where this is agreed with all parties.

Termination of Employment

In all cases where an employee's contract of employment is terminated on the grounds of ill health, the termination date must take into account the contractual notice period. Regardless of the status of the employee's sick pay entitlement, full pay must be reinstated for the notice period so as to ensure no breach of contract occurs.

In accordance with the relevant case law employees may be entitled to receive payment for accrued statutory holiday entitlement where this has not been taken as a consequence of sickness absence.

Ill Health Retirement

In cases of chronic ill health, at the earliest stage after all other options relating to facilitated return to work, reasonable adjustments to work or redeployment have been exhausted. Employees will be made aware of further sources of advice including the option of retirement on the grounds of ill health.

Teaching Staff

Under the Teachers' Pensions Regulations, it is the teacher who instigates the approach to Teachers' Pensions for the payment of an ill health pension. Teachers' Pensions will then assess the medical evidence and make a decision on whether or not to award the pension. Their application would normally need to be supported by a consultant specialising in the medical condition that prevents their return to work.

If the teacher does not have a compelling case for an application for ill health retirement, or the Teachers' Pensions medical advisors do not support the application, the academy may still wish to terminate the teacher's employment on the grounds of lack of capability due to ill health.

Support Staff

If an employee is a member of the Local Government Pension Scheme (LGPS) and the Occupational Health Consultant ***and*** an independent registered medical practitioner (who is qualified in occupational health medicine) has confirmed that the member of staff is permanently incapable of performing their duties and has recommended ill health retirement, then the member of staff may be able to receive an immediate retirement pension. There are graded levels of benefit based on how likely an individual will be capable of obtaining gainful employment after they leave.

Managers are advised to seek guidance on behalf of the employee on whether an employee is a member of the LGPS and whether they would be entitled to an ill health pension from the Pensions Section. Estimates of benefits are not normally prepared until Occupational Health has recommended ill health retirement.

Dismissal on the grounds of efficiency of the service

Where an individual is suffering from ill health which is not sufficiently incapacitating to render them permanently incapable of working, it is unlikely that early retirement on the grounds of ill health will be granted by Teachers' Pensions or the Trust in the case of support staff. Eligible staff over the age of 50 may ask Trustees to consider granting retirement in the interests of the efficiency of the service. However, such arrangements are discretionary and **only applied in exceptional circumstances in which the impact on the educational opportunities for children can be negligible.**

Process of involving Occupational Health

Occupational Health works with Headteachers/Governors and employees to promote good health and offering alternative medical advice aimed at maintaining and improving employees' physical and mental well-being.

When considering the absence of an individual the Headteacher and Governors must be sensitive to the reasons behind the absence. In order to consider the absence properly it is essential that appropriate medical advice has been sought. Headteachers are, therefore, encouraged to seek the advice of Occupational Health in any issue regarding attendance.

The Headteacher and Governors have an on-going responsibility to provide help and support to members of staff and to ensure the quality of education provided to children in their academy. The Headteacher and Governors have a duty of care for the welfare and health of their staff and must seek to balance these different responsibilities in a sensitive, supportive and reasonable manner. The Occupational Health service is designed to provide guidance, advice and support to both the employer and employee.

For teachers, including trainee teachers, guidance has been published called ["Fitness to Teach Occupational Health Guidance for the Training and Employment of Teachers"](#).

How to arrange an Occupational Health appointment

Any member of staff can be referred to Occupational Health by the Headteacher at any time by completing the Occupational Health Assessment referral form. They do not have to be off work at the time.

When a decision is made to refer a member of staff to Occupational Health, the Headteacher (or designated manager) will inform SMART's HR Officer and should speak with/write to the member of staff (or their 'representative' where appropriate) explaining the reason for the referral and the role of Occupational Health. To avoid unnecessary stress for the employee, the Headteacher should explain that this is normal procedure and emphasise the supportive role of Occupational Health and inform the individual that they will be contacted by Occupational Health by telephone to assess their state of health and may be asked to attend an appointment with Occupational Health assuming their consent. The member of staff should be provided with a copy of the referral and the appropriate consent form.

Occupational Health will offer the individual an appointment to obtain appropriate information about the condition and advise the Headteacher (or designated manager) and the individual on any significance it may have for work. The purpose is to obtain a clear medical view of the whole situation that can then inform management decisions and enable appropriate support to be offered to the individual. The need for further action can be ascertained, such as liaison with the individual's GP or other health care workers to arrange further treatment or

recommend a change in work patterns. With the employee's consent the Headteacher should consider these sources of advice to put in place measures to support the employee.

The initial Occupational Health involvement and the ongoing frequency will depend upon the medical condition. For example, if the individual is absent due to an operation which is covered by a Fit Note, it would not be reasonable to refer the person to Occupational Health until after the individual has left hospital and has had some time to recover. However, if the person is absent due to work related stress, according to the Fit Note, it is important to involve Occupational Health at an early stage. Subsequent Occupational Health appointments will be arranged by Occupational Health. It is important that the contact and communication are undertaken in a cooperative and supportive manner.

Headteachers may contact Occupational Health to ask for specific information of a non-confidential nature, or to give relevant background information that they feel may be helpful, which is general and not relatable to any member of staff. This is not only reasonable but is welcomed by Occupational Health as it enables them to build a rounded picture of the academy and the individual's place within it. Clearly Occupational Health will observe medical ethics and patient confidentiality, at all times.

Medical Reports compiled by Occupational Health

The purpose of medical reports provided by Occupational Health are to advise managers on how an employee's health condition may impact on their work. Occupational Health is required to observe full medical confidentiality and therefore no clinical or personal details about the individual outside of the scope of this particular enquiry will be imparted to the Headteacher/manager. Occupational Health must obtain the member of staff's consent before an approach is made to her/his GP or consultant for further medical information. Under the Access to Medical Reports Act 1988, where it is necessary to obtain a report from the individual's GP or hospital, the member of staff must see this report before it is sent to Occupational Health. Where a member of staff refuses to give written permission to approach her/his doctor/specialist it may become necessary to make a decision without the benefit of medical opinion.

Following the initial referral, a provisional report will be made to the member of staff who will have the opportunity to challenge this and advise changes prior to the revised copy being shared with the Headteacher pending any further reports from specialists if necessary with the consent of the employee.

Meeting with the member of staff following an Occupational Health report

Where Occupational Health reports have been requested within a formal or informal attendance process, meetings to discuss the recommendations will follow the same procedures as described in this policy.

When this is not part of the process, a meeting specifically to consider the recommendations in the report should be established. You can expect at least 10

days' notice of the meeting, can bring a companion and can expect notes to be circulated no more than 5 days after the meeting has taken place.

The options for action afterwards may include:

- 1 Doing nothing additional other than maintaining current support.
- 2 Explore and, where practicable and affordable, put in place possible options for reasonable adjustments to temporary working arrangements to accommodate the employee's condition of health and that would facilitate a return to work or safer working.
- 3 Explore possible options for accommodating recommendations pertaining to the health of the employee including redeployment or changes in the pattern of work.

Where Occupational Health suggests that an employee is incapable of fulfilling their full range of duties (either permanently or within a reasonable timescale having regard to operational or other factors), the Headteacher, in consultation with the Trust's HR Officer should consider moving to a later stage in the process if this is in the best interests of the employee and the school.

Suspension from duty on Medical Grounds

In accordance with the Education (Teachers' Qualifications & Health Standards) (England) Regulations 2003, a teacher who returns to duty from illness or injury must have the physical capacity to carry out the relevant activity (as defined in these regulations).

The Headteacher has the responsibility to ensure the safe return of employees and has the ability to not permit return to work even in the absence of medical advice.

In such cases the Headteacher would suspend the member of staff on medical grounds until further information and advice has been received. In such circumstances, the teacher should be notified of their position in writing within 5 school days of the meeting. If it is known that a teacher is a member of a trade union, efforts will be made to ensure that the union is given advance notice of this letter if the member of staff gives their consent.

Occupational Health Contacts

For all Occupational Health enquiries please contact the OH Enquiry Line:

Dobwalls, Liskeard, Looe, Trewidland	Saltash, Landulph
<ul style="list-style-type: none">• Telephone: (01872) 323138• Fax: (01872) 323827• Email: occupationalhealth@cornwall.gov.uk• Address: Occupational Health, Cornwall Council, Fowey Building, New County Hall, Truro, TR1 3AY.	IMASS Occupational Health Buckland House 12 William Prance Road Plymouth PL6 5WR 01752 835900

Further considerations in managing attendance

Attendance management should not be approached in isolation from other general management issues in academies. The following should also be considered:

The Equality Act 2010

Academies will need to comply with the provisions of the Equality Act 2010, which makes it unlawful to discriminate against people with disabilities in employment. Under the Act, a person is disabled if they have a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day to day activities. A long term effect of an impairment is one that a) has lasted at least 12 months; or b) where the total period for which it lasts, from the first time of the first onset, is likely to be 12 months; or c) which is likely to last for the rest of the life of the person affected. The person must have an impairment that is physical or mental.

There is a requirement on academies to make “reasonable adjustments” to accommodate the needs of staff, including making adjustments to premises and altering hours of work with the member of staff's agreement.

There are many organisations providing information and advice on disability issues to disabled people, to their families, their carers and to employers. For example, the Commission for Equality and Human Rights provides a central source of information and advice to disabled people and employers.

Further advice on the scope and application of the Equality Act 2010 can be obtained from SMART's HR officer.

Health and Safety

The Health and Safety at Work Act 1974 imposes a general obligation that "it shall be the duty of every employer to ensure, as far as is reasonably practicable, the health, safety and welfare of all his employees".

The Management of Health and Safety at Work Regulations 1992 require effective systems and action to be taken to identify, prevent and reduce risks to the health and safety of staff. Many of these employer responsibilities can only be implemented effectively with the active support of employees (who have a duty under the Act), the Headteacher and the Management Team. There are requirements to undertake risk assessments in the workplace to identify and eliminate or manage risks to staff.

Accidents at work

The following types of incident must be reported to a member of staff nominated by the Headteacher: -

- minor injuries
- violent incidents (including verbal abuse and threats)
- Injuries for which an employee is absent for more than three days
- major injuries
- death
- specified dangerous occurrences
- specified occupational diseases

Any accident and/ or 'near miss' should be recorded, and any requiring first aid treatment must be recorded in the First Aid Log. Please see provisions relating to pay in Burgundy book for teaching staff and Green book for support staff.

Work related stress

The effective management of stress requires employers to recognise that stress exists, putting in place adequate measures to prevent it happening and where able, to successfully prevent it utilising measures to control it.

Headteachers and Governors need to ensure that their staff have appropriate workloads, and support of a reasonable work/life balance, having regard to their health and welfare. The prevention of ill health due to stress and the maintenance of employee health and wellbeing through recognising and managing work related stress should be promoted and employees themselves have an important part in this.

Alcohol and drug problems

It may become apparent from a change in behaviour and/or deterioration in performance that there is an underlying problem due to substance misuse. Whilst it is important not to jump to conclusions, behaviour and performance can be indicators of alcohol or drug use. Headteachers/Governors should note apparent changes with the individual. Should the individual's work performance suffer, it would be appropriate to discuss a referral to Occupational Health who can provide a range of support including referral to specialist services.

Terminal illness

Any member of staff who has a terminal illness is exempt from the normal procedures for dealing with long term or frequent short term sickness. Instead Headteachers/managers are advised to contact SMART's HR Officer at the earliest available opportunity, who will arrange for Occupational Health to write to the GP/Consultant to establish the exact medical position and life expectancy. This is extremely important in establishing the most beneficial course of action for the individual. Every care should be taken about the individual's wellbeing.

Occupational Sick Pay (OSP)

Support Staff

All staff are required to be medically screened before appointment so that they may be admitted to the appropriate sick pay scheme on commencement of service. Provided that a satisfactory report has been received from Occupational Health and sickness reporting procedures are followed, the academy will pay salary during sickness in accordance with the scale of entitlement shown below:

During the first year of service	1 month's full pay and (after completing 4 months' service) 2 months' half pay
During the second year of service	2 months' full pay and 2 months' half pay
During the third year of service	4 months' full pay and 4 months' half pay
During the fourth and fifth years of service	5 months' full pay and 5 months' half pay
After five years' service	6 months' full pay and 6 months' half pay

The period for which sick pay shall be paid, and the rate of sick pay in respect of any period of absence is calculated by deducting from the employee's entitlement on the first day the aggregate of periods of paid absence during the 12 months immediately preceding the first day of absence.

Teaching Staff

Under the Teachers' Regulations a teacher cannot be appointed or continue in employment unless s/he has the necessary health and physical capacity to do so. Provided that a satisfactory report has been received from Occupational Health and sickness reporting procedures are followed, the academy will pay salary during sickness in accordance with the scale of entitlement shown below:

During the first year of service	full pay for 25 working days and after completing four calendar months' service, half pay for 50 working days
During the second year of service	full pay for 50 working days and half pay for 50 working days
During the third year of service	full pay for 75 working days and half pay for 75 working days
During the fourth and subsequent years	full pay for 100 working days and half pay for 100 working days

Two half school days shall be deemed to be equivalent to one working day. For the purposes of calculating the allowance payable, the year shall be deemed to begin on 1st April of each year and end on 31st March of the following year.

Notification of full pay and/or half pay ceasing

Academies must notify our payroll provider whenever a member of staff is absent on sick leave and the reason for the absence. This will ensure that accurate sickness records are maintained and that staff receive the correct amount of pay when on sick leave. The payroll provider will notify staff when sick pay is to reduce to half pay or ceases.

Medical Examinations

All members of staff should, if required by the Headteacher (or designated manager), attend a medical examination with Occupational Health. If a member of staff refuses to attend a medical examination the individual will risk losing his or her sick pay. The cost of medical reports obtained from GPs or Consultants will be borne by the academy.