

6.8 Managing Absence (Ill Health) Policy and Procedure

The LST Staffing Policy can be found on the LST Intranet. This provides the overarching principles in which the LST operates.

Managing Absence (Ill Health) Procedures

Reporting of sickness absence

All staff are required to inform their Line Manager and Cover Manager by 7.30am, where possible, of any illness or disability causing absence from work or which will affect performance at work.

Where a member of staff is absent through ill health she/he will be required to provide the following:

- For periods of sickness of 7 consecutive days or less (including all non-working days and weekends), staff must complete a Self-Certification form when they return to work.
- For periods of sickness of 8 consecutive days or more (including all non-working days, e.g. non-term time and weekends), a Doctor's Certificate must be provided.

Medical evidence will be required if a staff member is absent from work due to illness on the last or first day of term if part of a long term or persistent period of absence, or if there is a regular pattern of absence which is cause for concern. If necessary, the Academy will pay the cost of obtaining this evidence.

Return to work clearance by the Trust's Occupational Health Advisor will be required for staff who:

- have been absent for a period of four or more consecutive weeks
- have had major surgery
- have an ailment/condition which is a recurring problem which may be aggravated by their duties, e.g. back problems where physical duties are required
- have sustained an injury during the course of their duties
- have a heavy, strenuous physical job
- have had absence which is, or is believed to be, as a result of work-related stress
- have requested a variation of duties or working hours for health reasons or because of necessary reasonable adjustments required by the Equality Act 2010
- have a pattern of recurring short-term sickness absence which is impacting on the delivery of service.

Return to work interviews

For all absences, whether under self-certification or a doctor's note/s for longer absences, a return to work interview **MUST** be completed using the reverse side of the Self Certification form, found on the LST Intranet.

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The aims of the return to work interview are:

- to ensure that the employee is fit to return to work.
 - to ensure the correct certification/ authorisation procedures have been followed.
 - to check via previous return to work forms retained in the employee's personnel file whether there are any longer-term issues relating to the employee's absence.
 - to determine whether the employee's sickness could re-occur while at work and/or that the sickness could affect the employee's ability to do their work.
 - to determine whether the employee needs to be placed on 'light duties;' a phased return to work (e.g. part time, reduced hours etc) for a period (in such cases timescales and check points must be included); and to explore whether a risk assessment should be carried out
- Should the return to work interview indicate that an employee's sickness may re-occur while at work or may affect their ability to carry-out their work, the following **MUST** be carried out:
- o Contact the HR Department for advice as to whether an Occupational Health referral may be required.
 - o Instruct the employee that if their sickness does re-occur or is aggravated by work they must contact their manager.
 - o Instruct the employee that they are not to attempt to perform tasks which may aggravate their sickness, such as undertaking strenuous tasks while they are recovering from a back problem.
 - o If necessary, the employer will ensure a risk assessment is carried out in line with the Health and Safety Policy.

Emergency Suspension

In emergency circumstances, a staff member may be suspended from duty by the Principal or Services Director. This may arise when the staff member is suffering from a medical condition which could adversely affect the health, education or welfare of students or staff. In such situations, urgent advice must be sought from the Occupational Health Advisor.

Once a staff member has been suspended, any reinstatement must be agreed by the Principal or Services Director and the Chief Executive.

NOTE: Action under this procedure does not preclude a decision being made by the Occupational Health Advisor who may, at any time, certify that the employee is permanently unfit and recommend early retirement on the grounds of ill health.

Types of absence

1 Long term absence

Should a period of absence continue (or be expected to continue) for a period of 4 weeks, or the level of absence otherwise gives cause for concern, the matter will be referred to the Trust's Occupational Health Advisor for advice. The employee will be asked to give consent for the Occupational Health Advisor to seek previous medical history and current medical information. As part of the referral, the employee may be required to submit to a medical examination by the Occupational Health Advisor.

The Trust's Occupational Health Advisor will provide written advice as soon as possible after the referral including:

- the long term prognosis;
- an indication of when or whether the employee may be able to return to work;

- whether the employee has a disability that falls under the Equality Act 2010 and what reasonable adjustments are required.

The Principal and/or Human Resources Department will maintain close monitoring and regular communication with the employee throughout the period of absence.

Where the long term absence from work adversely affects the service being provided and/or where the Principal, based on the medical information available, is unable to predict when or if the employee is able to return, then the Principal will commence Stage 1 of this procedure.

2 Frequent persistent short term absence

Informal Procedure:

Any employee with 7 working days or more absence, over 2 or more episodes, within a 12 month period (pro rata for part time staff) should be managed under this Frequent Persistent Short Term Absence Procedure.

Methods of dealing with frequent persistent short term absence may include:

- close monitoring by and regular communication with the Principal or line manager when absences occur;
- an informal meeting with the line manager to discuss overall absence record and improvement required;
- a recommendation to the employee to visit his/her GP for advice and treatment, which may include a requirement that the employee provides a Doctor's statement for every period of absence.
- written notification to the employee that such absences are unacceptable and, if the pattern persists, the formal procedure (which may lead to dismissal) will be invoked.

If the short term absences persist, the line manager may refer the employee to the Trust's Occupational Health Advisor. The Advisor will provide written advice as soon as possible after the referral, confirming whether or not the employee has an underlying chronic health problem that may result in further time off.

When frequent absences from work adversely affect the service being provided and/or when the Line Manager cannot be confident in the employee's future attendance at work and/or the medical advice received suggests that further absences may continue in the future, then the Line Manager will commence Stage 1 of this procedure.

Formal Procedure

If within six months of an employee being managed under this policy, the required level of attendance has not been sustained, the procedure may be resumed at any stage up to and including that stage previously reached.

It is accepted that attendance of the employee at meetings in health cases may not always be possible. Therefore the employee should be given the opportunity to be represented by a work colleague or Trade Union Representative or to provide a written statement to be considered at the meeting. Should the employee fail to attend or make contact, send a representative or provide a written statement to be considered at the meeting, a decision may be made on the information available.

Stage 1 Meeting

The Line Manager, who will be supported by the Human Resources Department, will invite the employee to a Stage 1 Meeting. The invitation will be confirmed in writing confirming the employee's right to be accompanied by a work colleague, a recognised trade union official, or a recognised trade union representative. Consideration should also be given as to whether the employee would wish to have a management representative of the same gender present.

The purpose of the meeting will be:

- To review the attendance record during the relevant period.
- To give the employee the opportunity to discuss any problems or raise any concerns.
- To decide whether any further action is required such as a referral to Occupational Health.
- To set a target for improvement and a period over which absence levels will be monitored.
- To arrange for support or work adjustments as recommended by Occupational Health.
- To issue the employee with a first written warning and to inform the employee that if attendance does not improve within the time period being monitored, this may result in further disciplinary action, which may lead to dismissal.

The outcome of the Stage 1 meeting will be confirmed in writing to the employee.

During the Stage 1 review period, regular informal reviews will be undertaken by the line manager to review the employee's attendance, giving them the opportunity to discuss any problems that have been encountered, discuss the need for further Occupational Health advice and ensure that any reasonable adjustments recommended have been put in place and that the employee is receiving the support needed to improve their attendance at work.

At the end of the review period, the Line Manager will decide what further action, if any, is to be taken. If the targets set have been reached, the Line Manager will decide whether an extension period is required to ensure a sustained improvement. If the employee has failed to meet the targets set, the Line Manager will arrange for a Stage 2 Meeting to be held by the Principal.

Stage 2 Meeting

The Principal or Services Director, who will be supported by the Human Resources Department, will invite the employee to a Stage 2 Meeting. This will be held following the same procedure adopted at the Stage 1 meeting and will give a further opportunity to discuss the position reached (taking account of any further advice from Occupational Health).

The employee will be issued with a final written warning and advised that if attendance does not improve the employee may be invited to a Decision Meeting, where the outcome may be dismissal.

The outcome of the Stage 2 meeting will be confirmed in writing to the employee.

At the end of the review period, the Principal/Services Director will decide what further action, if any, is to be taken. If the targets set have been reached, the Principal/Services Director will decide if an extension period is required to ensure a sustained improvement. If the employee has failed to meet the targets set, a Decision Meeting will be arranged.

Decision Meeting

The Human Resources Department will invite the employee to a Decision Meeting, giving no fewer than five working days' notice, in writing. The letter should give options available to the Decision Meeting Panel. Options available to the panel are:

- To defer a decision pending further investigation and medical report;
- Consider the need for alternative employment within the Academy i.e. where it is considered that an employee's health condition means they cannot carry out their existing role but they could undertake an alternative role (if there is a vacancy);
- Phased return to work – where an employee has been off for a long period of time;
- Consider case for reasonable adjustment to working arrangements (if the employee is covered by the Equality Act);
- Consider request for ill health retirement;
- Set a further review period over which to monitor attendance before making a final decision on their employment.

The Panel will be made up of three people drawn from: LST Executive, Associate Principals of LST Academies, members of the Academy Council or members of the LST Board advised by the HR Manager. They will consider reports from the Principal/Services Director, together with any information supplied by the employee at the Stage 1 and 2 meetings, information provided by the Trust's Occupational Health Advisor and relevant details of the employee's work history supplied by the Academy, LST or Shared Services Team.

The employee has the right to be accompanied by a work colleague, a recognised trade union official, or a recognised trade union representative.

The Panel shall determine which of the following options is appropriate if permanent ill health retirement has not been certified by the relevant medical advisor:

- Allow further time for the employee to return to full health;
- Redeployment to suitable alternative work not affected by the health condition with appropriate medical advice and clearance;
- Dismissal on the grounds of lack of capability through ill health.

Where possible, the employee will be told of the decision at the end of the meeting. If this is not possible, the decision will be notified to the employee in writing within five academy working days of the meeting. The reason for dismissal must be given and details of how to appeal against the decision should be included.

Appeal Panel Meeting

The employee has the right to appeal against the decision. Written notification of any appeal must be received no later than ten working days after the date of the dismissal letter, detailing the reason for the appeal.

If the employee does give notice of intention to exercise his/her right of appeal, the matter will be referred to a meeting of an Appeal Panel, which will comprise three people drawn from the LST Executive, Principals from LST Academies, members of the Academy Council and members of the LST Board who have not been involved in the process.

The Appeal Panel shall meet as soon as possible after notice of appeal is given by the employee. The employee shall be given not less than five academy working days' notice in writing of the date of the meeting and shall be supplied with relevant documentation relating to the action taken prior to the decision to terminate the employee's contract of employment.

Not less than two working days before the Appeal Panel Meeting, the employee is required to submit a written statement specifying any findings of fact which are disputed and any other matters relevant to the appeal which he/she wishes to raise.

The employee has the right to be accompanied by a work colleague, a recognised trade union official, or a recognised trade union representative.

The role of the Appeal Panel is to carefully examine the case and ensure that the correct procedures have been applied and that the requirements of natural justice and good employee relations practices are followed. Other factors including domestic, personal and/or financial problems should not form part of the consideration when making a decision.

The Appeal Panel decision shall be communicated in writing to the employee within five working days after the decision is made.

Consultation Status

This policy has been consulted on and agreed in accordance with the Trade Union Recognition Agreement.