



Sickness Absence Management Policy

This policy sets out the terms of agreement reached by those participating in the Council's Consultation and Negotiating Framework. Following NASUWT and NEU being unable to agree to section 7.1, the matter was referred to the Disputes Panel who endorsed the revised policy.

SMBC can provide information in a range of different ways, for example via the use of large print, audio, summarising large documents, interpretation, translation and British Sign Language interpreting services.

If you require this information in an alternative format or need assistance because English is not your first language, please contact your line manager or nominated Human Resources Advisor in the first instance for further support.

SICKNESS ABSENCE MANAGEMENT POLICY

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1.0	01.09.2018	New policy with revised trigger points approved, to launch 01.09.18 following consultation with CCNC and approval by Governance Committee
1.1	11.09.2018	New Return to Work form links added.
1.2	01.05.2019	New Occupational Health and EAP providers amended. References made to new Menopause Policy to be launched shortly.
1.3	01.02.2022	Refresh of policy following consultation with key groups. Please refer to separate document listing changes made including new references to Covid-19, hybrid working, ill health retirement meetings, pregnancy wellbeing meetings and half day absences.
1.4	25.04.2022	Changed reference to Employee Wellbeing intranet pages (previously called Healthy Council)
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1.6	01.09.2022	Removed reference to separate Covid documents as Covid becomes a 'business as usual' absence
1.7	13.10.2022	Updated hyperlinks due to new Intranet site launch. Added template letters are available from HR.
1.8	30.03.2023	Inclusion of paragraph on casual workers recording of absence in section 5.2.
1.9	08.02.2024	Removed references to pandemic and amended virtual meetings section.
2.0	11.07.2024	Reference made to the new supporting Employees with Cancer guidance (section 2). Added how the carry forward of annual leave to the next leave year is capped and refers reader to the Guidance document for more information (7.7). Added that managers should advise Pay & HR Admin team of casual workers absence (5.2).

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SICKNESS ABSENCE MANAGEMENT POLICY AND PROCEDURE

1. Introduction

The Council considers the health, safety and mental wellbeing of its employees to be of the highest importance. Equally, good attendance by all employees is essential to the effective and efficient operation of Council services, schools and the provision of education services. This policy has been provided to offer a structured framework to enable employee absence to be managed effectively. Accompanying the policy are Guidance Documents, which should be read in conjunction with the application of the policy and procedure. These notes provide further clarity on the context in which the policy and procedure has been developed and agreed. Further advice can be obtained from Human Resources, Teacher Associations or Trade Union Representatives.

2. Scope of the Policy

This policy applies to all employees on NJC terms and conditions of service, JNC, Soulbury, centrally employed teachers and all teaching and support staff at schools. The policy also applies to casual/zero-hours workers, except for the section on occupational sick pay which does not apply. This policy does not apply to agency staff or contractors.

The policy's principles on sickness absence management should be applied to new employees in their probation period, however, they will not be subject to the formal sickness absence meetings whilst in probation and the Probation policy should be followed to manage attendance at work.

Employees working from home must comply with the policy in the same way and ensure they report their sickness to their line manager when they are ill and unable to work.

In situations where the health of a Headteacher is a cause for concern, or the formal absence procedure needs to be applied to a Headteacher, the Chair of Governors will inform the Director of Children's Services.

The Sickness Absence Management Policy and procedure has been developed in consultation with recognised Trade Unions to provide a fair, consistent and supportive framework for the appropriate management of sickness absence. It also provides a structured procedure for dealing with cases where an employee's sickness absence is cause for concern.

The Council's aim is to have a healthy, happy, engaged and thriving workforce so in addition to this policy, there is a range of policies and guidance in place that aim to support wellbeing in the workplace, prevent and reduce sickness absence and improve long-term outcomes for employees experiencing mental health issues. The Council's 'Wellbeing Approach' and Statement of Intent towards wellbeing can be found on the extranet. The Employee Wellbeing pages on the extranet offer advice and activities to support the maintenance of good health and wellbeing as part of an effective work-life balance.

The associated HR policies can be found on the School Extranet and include Drugs Alcohol & Substance Misuse in the Workplace; Equality & Diversity Policy; the Resolution Policy, Menopause Policy and the Supporting Employees with Cancer guidance. The Leave of Absence Policy details time off for personal reasons, family matters, bereavement and compassionate leave. Template letters and meeting planners for line managers are available from the HR Advisor.

***NOTE:** Unless specified otherwise in this procedure, the term “line manager/Headteacher/Chair” is used generally to include a senior manager or other nominated individual who has been suitably trained and has responsibility for managing staff absence.*

3. Principles

The principles that underpin the policy are to:

- Support and respect the dignity of employees who are unwell.
- Treat employees in a fair, sensitive and consistent manner, taking account of the individual circumstances.
- Take an open, collaborative approach with employees who are absent through sickness, ensuring early, regular contact and consultation about possible solutions to sickness absence.
- Distinguish between sickness incapacity and issues of conduct, addressing each separately on its own merit, through the appropriate procedure.

The Council is committed to supporting terminally ill employees and treating them with dignity, respect and compassion. Following a terminal diagnosis, employees will be provided with the security of employment and be involved in considering the most suitable option regarding their continued employment. (Terminal illness is normally considered to be a prognosis of 12 months’ life expectancy or less.)

Line managers, Human Resources and Occupational Health must ensure that personal data, including information about individuals’ health and sickness absence, is handled in accordance with the Council’s Data Protection Policy and Guidance on processing special categories of personal data.

4. Roles and Responsibilities

Role	Responsibility
The line manager (or Chair of Governors for Headteacher absence)	<ul style="list-style-type: none"> (i) To ensure that a ‘duty of care’ is shown to all of the employees they manage. (ii) To apply a consistent approach and not discriminate in the application of this policy and procedure in respect of age, disability (including mental health status), race, ethnicity, sexual orientation, gender, religion/beliefs, marital/partnership status, pregnancy/maternity or Trade Union membership. (iii) To ensure sickness absences are recorded, monitored and information kept on the duration, frequency and reasons for sickness absence. Identify absence issues at an early stage using this information to objectively manage sickness absence. (iv) To proactively take an interest in the health and wellbeing of employees and create an environment where employees can thrive at work. (v) Regularly check on the wellbeing of your team and initiate conversations to understand the employee’s wellbeing (mental and physical) and their fitness for work. Regularly engage with remote workers to have wellbeing conversations and to understand the particular pressures they may be experiencing. Proactively support employees who may be at risk of sickness absence through signposting to sources of support and discussing, where necessary, temporary reasonable adjustment options with the view to preventing such absence. (vi) To ensure a timely referral is made to Occupational Health or the Physiotherapy

	<p>clinic where appropriate, following a discussion with the employee. Ensure the referral contains all the relevant information and contains accurate contact details for the employee.</p> <p>(vii) To ensure early intervention and support is sought where cases of mental health are raised. The line manager should discuss this with HR, at the earliest opportunity, and consider a referral to Occupational Health and to the Employee Assistance Programme. Understand that stigma may prevent an employee asking for support for mental health. Challenge any stigma from other employees. Understand that employees newly diagnosed with a mental health condition may experience a “latency” period before treatment is fully effective.</p> <p>(viii) To regularly review any Risk Assessment to ensure appropriate preventative and protective measures are in place.</p> <p>(ix) To put in place any practicable recommendations on the Fit Note or made by Occupational Health. This may include taking account of any reasonable adjustments required by a disabled employee or an employee experiencing the menopause.</p> <p>(x) To involve representatives in the formal process and remind employees of their rights to representation at formal meetings.</p> <p>(xi) To ensure communication and understanding of the sickness reporting procedures, particularly where there are local arrangements that differ from those set out under this policy. Ensure all staff are informed of the sickness reporting procedure and understand how it operates and why.</p> <p>(xii) To update Oracle (Manager’s self-service system) with all absence notifications in a timely basis and also upload any associated medical certificates.</p> <p>(xiii) To conduct a return-to-work discussion after every sickness absence and upload the ‘Return to Work & Employee Wellbeing Discussion’ form onto Oracle, following up actions as agreed, where appropriate.</p> <p>(xiv) It is a mandatory requirement for all cases of absence to be managed in accordance with this policy. This will form part of a manager’s PDR assessment. To complete/attend all mandatory training and updates on sickness absence management.</p>
Employee	<p>(iii) To comply with the Sickness Absence Management Policy and Procedure, the sickness reporting procedure (Appendix 1) and to submit timely fit notes to their manager/school, at the appropriate times, so that HR can process your sick pay.</p> <p>(iv) To remain in regular contact and keep their school and line manager informed of the situation when absent from work, including progress or changes in their medical condition, in accordance with the sickness reporting procedure (Appendix 1).</p> <p>(v) Employees should raise with their line manager or HR, issues which may affect their general health or mental wellbeing at the earliest opportunity, so that appropriate support can be considered and where appropriate put in place.</p> <p>(vi) To attend meetings with the school/line manager/HR and Occupational Health, as required, and to discuss sickness and health issues, as is reasonable and appropriate. This may be in person or remotely via video/telephone.</p> <p>(vii) To receive and follow medical advice and/or treatment, as is reasonable and appropriate.</p> <p>(viii) Not to engage in any activity which is intentionally likely to affect attendance and/or prolong absence.</p>
The Governing Body (schools)	<p>(i) To ensure the policy and procedure (including the sickness reporting procedure) is ratified by the Governing Body, communicated to all staff and implemented at the school.</p> <p>(ii) To hear cases and any appeals arising from the implementation of the policy and procedure.</p> <p>(iii) To ensure the Headteacher, or appropriate and suitably trained senior member of staff, carries out their responsibilities in accordance with the policy and procedure.</p>
	<p>(i) It is the responsibility of qualified medical practitioners, and/or Occupational Health,</p>

<p>Occupational Health</p>	<p>to make medical judgments regarding an employee's health and medical fitness for work (not the school, manager or HR).</p> <ul style="list-style-type: none"> (ii) The Council provides an Occupational Health service for the use of all LA schools and Council employees. This service includes advice to line managers/ and employees in connection with the working environment, which may include specialist medical support, medical assessments and general support to assist an employee's return to work. (iii) Wherever possible, Occupational Health will arrange appointments during the employee's normal working hours. However, at times, (e.g. during times of school closures), appointments may fall outside of this, and employees are encouraged to attend wherever possible to facilitate their recovery and return to work. (iv) Occupational Health will collect sufficient information from a health assessment to provide an advice report / assessment of the employee's fitness to do their job. The employee has the option to view the report before being issued to the line manager to allow the employee to review the report for factual accuracy if required. The consent process and options are explained to the employee at the start of the health assessment and further details can be accessed here. No information is disclosed without the employee's prior consent. (v) The Employee Assistance Programme includes a counselling service for employees for a short-term period of up to six sessions by using goal-based therapy. These services are accessed by contacting Health Assured and full details are available on the School Extranet.
<p>Human Resources</p>	<ul style="list-style-type: none"> (i) To provide advice, guidance and support on issues of absence including the application of best practice, policies, training, disability and redeployment. (ii) To act as technical advisers, as required under the procedure. (i) To develop systems to enable sickness absence to be monitored and managed. (ii) To attend formal meetings from Stage 2 onwards, and at Stage 1 when requested to do so (e.g. complex cases). (iii) To provide formal training to line managers in the application of this policy.

5. **Sickness Notification and Reporting Procedure**

5.1 **Sickness Notification**

A copy of the Sickness Notification and Reporting Procedure can be found in Appendix 1. All employees should be made aware of this and issued with a copy of the procedure by their line manager as part of their induction.

All staff should follow the procedure for reporting sickness absence, unless issued with alternative local procedures by their manager.

Any local variations should follow the principles set out in the policy, procedure and guidance documents. Any deviations from this procedure should be agreed with the next level of manager.

5.2 **Sickness Recording**

To ensure effective sickness absence management, there is a need to monitor and review the levels and reasons for absence in a regular, sustained and consistent way. All work areas/schools should have arrangements in place to accurately record and monitor sickness absence. Absences should be recorded on Oracle (Managers' Self Service).

It is important that if the absence is work-related, this is captured on the appropriate absence code on Oracle. Accidents, incidents and near misses must be reported by the employee or the line manager as soon as possible and within 72 hours via the SHE Assure portal. To access the system on a PC / laptop / Smart phone or device click on <https://sheassure.net/smbc> then click on the relevant portal and select the correct reporting form.

Sickness absence is reported in full days on Oracle.

If an employee attends work but needs to leave/finish work during the day because of ill health, they should inform their manager before leaving/finishing work. If the manager is unavailable, the employee should inform the next most appropriate person within the department.

If the employee has worked less than 50% of their expected contracted hours for that day, the absence should be recorded as a half-day sickness absence (*currently not able to do this on current version of Oracle and so will not count towards normal occupational sick pay entitlements*)

If the employee has worked more than 50% of their expected contracted hours for that day, the absence should not be recorded as sickness absence, but should still be noted by the line manager for sickness absence management reasons in cases of a pattern emerging.

Part day absences of this nature should continue to be recorded and monitored for absence management purposes, as these will count towards policy trigger points.

When closing the absence on Oracle (Managers' Self-Service), managers should scan and upload the completed '[Return to Work & Employee Wellbeing Discussion' form](#), which can be found on the Intranet/ School's Extranet, along with any supporting documents, including medical certificates, relating to this absence. The reason for absence should be accurate using the codes contained in the Guidance Notes and on Oracle. The category entitled 'Other' should only be used in exceptional cases when none of the other options apply. Where the absence was recorded as 'Other' when the absence record was originally created, the reason code must be reviewed and categorised against a defined code before the absence is closed. Paper copies of the form should **not** be sent to HR.

For casual employees, any period of sickness absence must be reported and recorded on Oracle if the worker has agreed to work but is then unable to because of sickness. The line manager must be informed of the situation and reason why before the start of the assignment. A worker should not accept an offer of work if they know beforehand that they will be unable to complete the work due to illness. **Line managers should also advise the Pay & HR Admin team of the sickness absence dates** and Oracle will calculate any entitlement to SSP (Statutory Sick Pay) based on the level of earnings being considered. The number of days a worker is absent must be recorded in order to maintain an accurate record.

6. Return-to-Work Meeting

Return-to-work contact should be made with each employee after every period of sickness absence. The line manager/ should do this as soon as possible on the first day of return (or as soon as reasonably possible) in order to:

- a) Confirm the reason for the absence (for recording purposes) and explore any factors, at home or at work that may have contributed to the absence.
- b) Ensure the employee feels fit and well enough to work.
- c) Update the employee on any work-related issues.
- d) Discuss any advice offered on the employee's 'Fit Note' or support that may be needed (wherever possible, this should be considered and discussed prior to returning to work).

This provides an informal and confidential opportunity to discuss the absence and any issues arising, to explore if there are any underlying causes and to identify any areas where support may be needed. The '**Return to Work & Employee Wellbeing Discussion**' form should be completed during this meeting after a return from every absence and is available on the Intranet/ School's Extranet.

If the employee is off work for 7 days or less, they do not need to give their employer a fit note or other proof of sickness from a medical professional. On return to work, the '**Return to Work & Employee Wellbeing Discussion**' form, completed by the employee and manager will act as a 'self-certification' form.

Further guidance on return-to-work meetings can be found in the Sickness Absence Management Guidance Documents.

6.1 Phased return to work

After any long-term absence, it will be important to discuss with the employee and determine whether it is appropriate for them to have a phased/staggered return to work. Advice from Occupational Health shall be sought, and consideration given to ongoing support for the employee, and prior to them returning to work.

It is essential that an employee does not receive any undue pressure from their manager to return to their full range of duties/hours until they are fully fit to do so. Managers should also take into consideration that other medical conditions may arise or be exacerbated as a direct result of coronavirus.

In relation to pay during a phased return, advice can be obtained from Human Resources. It should be noted that all unworked hours during the phased return will be made up to the employee's total contracted hours by drawing on the employee's remaining sick pay entitlement (which may be at half or nil pay), unless an alternative is otherwise agreed with

the employee for the days/hours they are not at work (i.e. using annual leave or accrued flexi).

Please refer to the Sickness Absence Management Guidance document for further details.

7. The Procedure

At each stage of the procedure, there should be clear communication and understanding of what agreed actions/improvements are required by the employee to enable progress through, or exit from, the process.

The formal stages are designed to be progressive; however, the Council reserves the right to enter the formal procedure at any stage, as appropriate. There are limited circumstances in which it will be appropriate for an employee to move straight to the Stage 3 meeting. For example, this could be the case where the medical advice is that the employee will never be able to return to work or if ill health retirement has been granted.

A flow chart of the procedures can be found in the Guidance Document.

7.1 Trigger Points

Sickness absence levels are monitored on a twelve-month rolling period. The trigger point at which the line manager, or an appropriate and suitably trained senior member of staff, are required to consider the employee's sickness absence are listed in the table below:

	Trigger Point
Short Term/ Intermittent Absence	<ul style="list-style-type: none"> • 4 or more periods of absence in a rolling 12-month period.
	<ul style="list-style-type: none"> • 10 days* absence over a 12-month period, either separate or continuous working days (*pro rata for part time staff - see Guidance Document).
	<ul style="list-style-type: none"> • Where there is a cause for concern regarding an employee's wellbeing, even where there may be no absence.
	<ul style="list-style-type: none"> • There is a particular pattern of absence that has not yet reached one of the trigger points above (for example Monday and/or Friday absence, frequent part-day absences etc).
	Trigger Point
Long Term/ Chronic Absence	<ul style="list-style-type: none"> • A continuous period of 4 weeks absence.

If a trigger point is reached, it will require a formal Stage 1 meeting, under this policy, with the employee to explore any underlying issues that may be impacting on their wellbeing and attendance and to discuss any appropriate support that may be needed.

When reviewing trigger points, managers should also consider special cases such as pregnant employees or employees with a disability to ensure they are not acting in a discriminatory manner. More information is contained in the Guidance Document and from HR.

Where absences are specifically related to a disability, a reasonable adjustment may include revised triggers for the employee during their review period. Managers should seek advice from HR if they are unsure which absences they should disregard. It is important that the provisions of the Equality Act 2010 are observed.

Please contact your HR Advisor for further advice and support if an employee is experiencing symptoms of Coronavirus lasting for weeks or months after the infection has gone, also referred to as 'Long Covid'.

Line managers with employees experiencing severe symptoms due to the menopause may also need to review the trigger points. More information can be found in the Menopause Policy and advice can be sought from HR.

7.2 The use of discretion

There may be situations that require discretion and flexibility and the line manager may feel it is not appropriate to hold a formal meeting with the employee at this time, for example short-term absence as a result of a bereavement. This should only apply in exceptional circumstances involving sensitive cases.

In situations where discretion is exercised, the Head of Service/Headteacher will ensure this can be justified, is recorded locally and must involve the respective HR Advisor in making this decision to ensure a consistent approach.

7.3 Rights of Representation

Employees should be reminded by their manager of the right to be accompanied by a recognised Trade Union Representative, or a work colleague, during formal stages of the procedure. It is the employee's responsibility to arrange Trade Union representation.

Employees can identify a Trade Union representative or work colleague to accompany them at a virtual meeting in the same way that they can at a face-to-face meeting.

In some circumstances an employee may wish to be accompanied by a representative from an appropriate charity to support them during a meeting, e.g. Solihull MIND. Please refer to the Guidance Document Appendices for contact details.

7.4 Virtual meetings

Sickness absence meetings should be held face-to-face wherever possible and if the individual is physically able to attend. However in some circumstances it may be appropriate to hold the meeting virtually via video/telephone conferencing provided the meeting can be conducted in private, with due regard to maintaining confidentiality and no interruptions.

Each case of sickness is unique, and managers are expected to use their discretion to make an informed decision as to which method is the most appropriate. The decision should be made jointly with the employee, based on their individual needs.

For virtual meetings, it is reasonable that these meetings can be held via a video call where appropriate, such as on MS Teams (using only departmental approved video conferencing where using official laptops) or via telephone conferencing (where that is available).

If meetings take place virtually, the manager should ensure:

- each person (including the TU representative) attending the meeting is able to join remotely, via video conferencing (subject to them having access to adequate IT) or via telephone;

- any different workplace adjustments which are needed to allow a meeting to go ahead in this manner have been considered as necessary;
- each person is able to ensure their privacy and freedom from interruptions when joining the remote meeting; and,
- arrangements are in place, and the meeting is structured to ensure that the employee can confer in confidence with their Trade Union representative/ colleague when needed, for example by building in breaks or adjourning the meeting on request.

There may be circumstances in which a virtual meeting is not feasible, for example due to inadequate IT, connectivity issues, a lack of privacy, or the ability of an individual to use specific technology due to a disability. These cases should be managed on a case by case basis to determine what is reasonably possible.

Please also refer to the School's Video Conferencing guidance and Electronic Communications Guidance. The guidance includes that there should be no covert video or audio recording of the meeting made by either party, which may be in breach of Council/ School policies including the Code of Conduct.

7.5 Stage 1 Meeting

A Stage 1 meeting should be arranged when:

- an individual's absence has reached one of the trigger points (please refer to section 7.1);
- a particular pattern of absence is identified which is a cause for concern;
- an individual's wellbeing appears to be a concern, although none of the trigger points have been reached (advice should be sought from HR in this circumstance).

The meeting should be carried out by the line manager and the employee given at least 5 working days' written notice of the meeting. In cases of long-term absence, meetings can be held with the employee during their sickness absence. There is no need to wait until the employee returns to work to hold a meeting.

The purpose of the meeting will be to:

- Offer support to the employee in a sensitive and constructive manner.
- Discuss and explore the underlying reasons that may be impacting on the employee's wellbeing and attendance.
- Review the current level of sickness.
- To identify any necessary support and assistance and look at ways to resolve any problems that may improve attendance or encourage a return to work. This may include making reasonable adjustments, particularly with regards to employees who have a disability.
- **Discuss the cap on annual leave carry over to next year (long term absences).**
- To advise the employee of the circumstances in which they could be referred to Stage 2:

Short-term absences - if they do not sustain an improvement in their attendance or meet another trigger point during the review period. When reviewing attendance, the line manager should take into account the circumstances of the employee's absences and their attendance levels in the previous 12-month rolling period.

Long-term absences - if the employee's ongoing absence shows no sign of a return to work in the foreseeable future.

The employee will receive an outcome letter, summarising the key points discussed at the meeting and the agreed joint action plan, within 5 working days.

In accordance with the action plan set at the meeting, further review meetings may continue at Stage 1, provided absence levels have not met another trigger point. In some circumstances, a Stage 1 meeting may proceed in the absence of the employee. Employees who are unable to attend a meeting may nominate and arrange for a representative to attend on their behalf or submit written representation in advance.

At the end of the monitoring period, if the employee has met the agreed standards and no further absences have retriggered the process, then no further action will be taken and a letter will be sent to the employee confirming the end of the formal Sickness Absence Management process and will revert to the usual absence monitoring over a 12-month period.

However, if the employee has not met the agreed standards during, or at the end of, the monitoring period, the employee will be notified by the line manager and then be invited to a Stage 2 meeting.

For long term absences where the employee has successfully returned to work and then has a one-off, short-term absence shortly after, it may be justified to make a judgement on whether it is appropriate to move to Stage 2 at that time, and instead assess if any adjustments need to be made, including remaining at Stage 1. This decision should be made in consultation with your HR Advisor.

Further information relating to the issues needing to be discussed at this meeting can be found in the Guidance Documents.

7.6 Stage 2 Meeting

A Stage 2 meeting should take place in any of the following circumstances when:

- following the actions agreed at Stage 1, an employee has not shown sufficient or sustained improvement in their attendance;
- the employee has met a trigger point during their review period;
- ill-health continues to give cause for concern;
- an employee's absence is ongoing and there is no realistic prospect of a return to work in the foreseeable future.

The meeting should be carried out by the line manager and the employee given at least 5 working days' written notice of the meeting. The right to representation should be reminded to the employee.

The purpose of the meeting will be to:

- Discuss and explore the reasons that may be impacting on the employee's wellbeing and attendance. Review the current level of sickness (frequent absence), including actions already taken to manage the level of sickness absence.
- Identify support and assistance and look at ways to resolve any problems that may improve attendance or encourage a return to work.

- Explore redeployment or ill-health retirement options, if applicable (refer to the guidance documents for more information on the process).
- **Discuss the cap on annual leave carry over to next year (long term absences).**
- Advise the employee that if they do not sustain an improvement in their attendance; or if they meet another trigger point during the review period (short-term absences), or if the employee's ongoing absence shows no sign of a return-to-work in the foreseeable future (long-term absences), the employee could be referred to Stage 3, which may result in their dismissal.

HR should be consulted for advice before undertaking this stage and be present at any meetings. It should only be in exceptional circumstances that an employee on a long-term sickness absence is referred to Stage 2 without first having obtained advice from Occupational Health. The employee should be advised in advance of the meeting of any Occupational Health report that will be discussed. The employee will have received a copy of all OH advice reports in line with their agreed consent following their OH appointment.

In some circumstances, a Stage 2 meeting may proceed in the absence of the employee. Employees who are unable to attend may nominate and arrange for a representative to attend on their behalf or submit written representation in advance.

The employee will receive an outcome letter, summarising the key points discussed at the meeting and the agreed joint action plan, within 5 working days.

At the end of the monitoring review period, if the employee has met the agreed standards the employee will normally move back to Stage 1 and a further review will take place in six months to ensure the wellbeing of the employee and that attendance has been sustained.

However, if the employee has not met the agreed standards during, or at the end of, the review period, or if there is still no sign of a return to work in the foreseeable future, the employee will be notified by the line manager and then invited to a Stage 3 meeting.

Please refer to the Guidance Document for further information relating to each stage of the process.

7.7 Stage 3 Meeting

A Stage 3 meeting should take place when:

- an employee has not met the required level of improvement in attendance, as specified at Stage 2 (or attendance has deteriorated following initial improvement);
- the employee has reached a trigger point following actions agreed at Stage 2;
- the review date agreed at Stage 2 has been reached and where there is still no realistic prospect of a return to work in the foreseeable future.
- for long term absence, all reasonable steps to assist the employee in returning to work (for example, a phased return, amended job duties, altered hours of work, or workplace adaptations) have been explored.
- the possibility of dismissal [including ill-health retirement] has been discussed with the employee.

Please refer to the process in section 8 when ill health retirement has been granted.

The employee will be given at least 5 working day's written notice of the meeting and will be provided with all the documentation and reports the employer wishes to refer to in the meeting.

A Stage 3 meeting will normally be chaired by an appropriate senior manager (not involved in Stages 1 or 2) who will be advised by Human Resources.

In exceptional circumstances, a Stage 3 meeting may proceed in the absence of the employee, such as when the employee is too ill to attend. Employees who are unable to attend may nominate and arrange for a representative to attend on their behalf or submit written representation in advance.

Outcomes of the meeting may include:

- Extending the review period.
- Consideration of further reasonable adjustments, as appropriate.
- Termination of contract. If the underlying health condition means there is no realistic prospect of a return-to-work within an acceptable timeframe and the absence can no longer be sustained by the service (long-term sickness), or frequent absence has not improved and absence levels can no longer be sustained by the service.

Notes of the meeting should be taken and included in the outcome letter to the employee within 5 working days of the meeting. The employee will have the right to appeal against any decision to terminate their contract.

The Council/School will only consider dismissing an employee on long-term sick leave after it has made all reasonable and practicable attempts to support their return to work, including any reasonable adjustments if the employee has a disability. This may occur prior to the end of any contractual/unpaid sickness absence, where appropriate.

If the employee's employment is terminated, they will be informed of their entitlement to statutory/contractual notice pay (at full pay) in accordance with their Contract of Employment, whichever is greater.

Please refer to the guidance notes section 3.9 for more information on ill health retirement cases and notice periods for teaching and non-teaching staff.

The employee may also have outstanding entitlements including accrued annual leave due to them on termination, including any statutory entitlement carried forward from the previous leave year. **It should be noted that the carry forward of annual leave to the new leave year is capped and more details can be found in section 7 of the Guidance document.** Your Human Resources Advisor can assist with the calculation of leave due.

8. Ill health retirement meetings

An employee who is in the pension scheme can request ill-health retirement (as long as they have met the scheme's qualifying service requirements) and managers should seek HR advice in response to any request. Ill-health retirement can only be granted following a medical recommendation by the Occupational Health Doctor and agreed by the relevant pension scheme. The Occupational Health Doctor will either support the ill-health retirement, and identify the appropriate tier based on the pension fund criteria or decline the request.

When ill health retirement has been granted, a more informal Stage 3 meeting can be held to confirm the arrangements and be called an '**Ill health retirement meeting**' instead. For further details, please refer to the Sickness Absence Management Guidance notes section 3.9.

9. Appeals

Where an employee is dissatisfied with the outcome of the Stage 3 meeting, they can appeal in writing against the decision, within 5 working days of receiving written notification of the decision, using the form in Appendix 4. The employee's appeal should clearly state their grounds for appealing.

An employee may choose to appeal, for example, because:

- they believe the outcome or action is unreasonable;
- new, relevant medical information comes to light;
- they believe the absence management process was procedurally flawed.

Appeals should be sent to the Head of Human Resources.

The Appeal Hearing

The purpose of the hearing will be to consider the grounds for appeal. The appeal hearing will review the original decision and establish its fairness. The appeal hearing is not intended to be a 're-run' of the original hearing, unless the person hearing the appeal considers this is necessary.

The Panel

The appeal will be heard by a panel consisting of not less than two officers, including one representative from Human Resources, neither of whom have been previously involved in the case. Where the appeal is against dismissal, the appeal will be heard by a panel of three Governors.

Where possible, all appeal hearings should be convened within 10 working days of receiving notification from the employee. Where this is not possible, the employee will be kept informed of timescales. The employee will be notified, in writing, giving at least 5 working days' notice of the date, time and venue for the appeal hearing. They will be informed of their right to be accompanied by a recognised Teacher Association, Trade Union Representative (or a person approved by the Trade Union), or a nominated work colleague.

The employee should be informed of the decision within 5 working days of the appeal hearing.

Where it is not possible to hold the meeting in person, this may be held remotely via video or telephone conferencing.

Sickness Reporting Procedure

1st day of absence	<p>The employee should notify their line manager of their absence before their known or expected start time, in accordance with local arrangements. The employee should give the nature (that is a description of the symptoms that mean they are unable to attend work because of their sickness) and anticipated duration of their absence.</p> <p>Unless there is a good reason, which is explained to the line manager, employees should always report their sickness absence themselves by telephone, rather than asking a friend or relative to telephone. The use of text and email would not normally be acceptable.</p> <p>If the line manager is not available, the employee should leave a message to the effect that they are sick and provide contact details for the manager to return the call, if appropriate. Details about sickness absence should not be left with work colleagues. The line manager should ensure, if appropriate, that they return the call as soon as possible. If the line manager is unavailable, contact should be made by a deputy or more senior employee.</p> <p>The line manager, or the appropriate person, will make a record of the telephone conversation and the absence should be recorded on Oracle (Manager's Self Service).</p>
4th calendar day	<p>If the employee has not returned to work, they should make further contact with their line manager in order to discuss the ongoing nature of the absence and, where possible, the expected date of return. This information will be recorded by the line manager.</p>
8th calendar day	<p>The employee should telephone their line manager/ to provide them with an update on their health. The employee should also obtain a medical certificate or "fit note" from their doctor or other healthcare professional. This should be sent into the school/line manager as soon as possible and no later than the tenth calendar day of absence and uploaded onto Oracle. Originals should be kept by the school/line manager.</p> <p>If the employee continues to be absent, further medical certificates will be required at appropriate intervals to cover the entire period of absence. Failure to provide certificates may result in loss of pay.</p>
Absence longer than 8 days	<p>Every working week, or as agreed with the line manager, the employee should maintain contact, by phone or email, to report on their health and indicate when they expect to return to work, as mutually agreed. In cases of serious illness, different arrangements will need to be agreed.</p>

Sickness and Industrial Injury Allowance Scheme (excludes Teachers)

1. The scheme is intended to supplement Statutory Sick Pay and Employment & Support Allowance, in order to maintain normal pay during defined periods of absence due to sickness, disease, accident or assault.
2. Absence in respect of normal sickness is entirely separate from absence resulting from an industrial disease, accident or assault arising out of, or in the course of, employment with the Council. Periods of absence in respect of one shall not be set off against the other for the purpose of calculating entitlements under the scheme, although the entitlements to both are calculated as shown below.
3. Employees are entitled to receive sick pay for the following periods:

During 1 st year of service:	1 month's full-pay and (after completing 4 months' service) 2 months' half-pay
During 2 nd year of service:	2 months' full-pay and 2 months' half-pay
During 3 rd year of service:	4 months' full-pay and 4 months' half-pay
During 4 th and 5 th year of service:	5 months' full-pay and 5 months' half-pay
After 5 years' service:	6 months' full-pay and 6 months' half-pay
4. An employee who is made redundant by an organisation covered by the Redundancy Modification Order, and who subsequently returns to Local Government service within 2 years, will be entitled to have all previous continuous service taken into account for the purpose of sickness pay provisions (and annual leave and maternity provisions). This applies regardless of whether or not paid employment has intervened during the 2-year period.
5. The Council will, at its absolute discretion, extend the period of half-sick pay, where an employee is suffering from a critical or terminal illness, subject to appropriate medical advice and review. Extensions of sick pay require the approval of the Chair of Governors, Headteacher, Director of Childrens Services and Head of Human Resources.
6. The period during which sick pay shall be paid, and the rate of sick pay in respect of any period of absence, shall be calculated by deducting from the employee's entitlement of absence the aggregate of periods of paid absence during the twelve months immediately preceding the first day of absence.
7. In the case of full-pay periods, sick pay will be an amount which, when added to Statutory Sick Pay and Employment & Support Allowance receivable, will secure the equivalent of normal pay.
8. In the case of half-pay periods, sick pay will be an amount equal to half normal earnings, plus an amount equivalent to Statutory Sick Pay and Employment & Support Allowance receivable, as long as the total sum does not exceed normal pay.
9. Normal pay includes all earnings that would be paid during a period of normal working, but excluding any payments not made on a regular basis.

10. Any Social Security benefits to be taken into account for the calculation of sick pay are those to which an employee is entitled, on the basis that the employee has satisfied, so far as is possible the:
 - a. conditions for the reporting of sickness, as required by the School;
 - b. claiming of benefits;
 - c. obligation to declare any entitlement to benefits and any subsequent changes in circumstances affecting such entitlement.
11. An employee who is prevented from attending work because of contact with an 'infectious disease' shall be entitled to receive normal pay. The period of absence on this account shall not be reckoned against the employee's entitlements under this scheme.
12. If an employee abuses the sickness scheme, or is absent on account of sickness due, or attributable, to deliberate conduct prejudicial to recovery, or the employee's own misconduct or neglect, or active participation in professional sport or injury while working in the employee's own time on their own account for private gain or for another employer, sick pay may be withheld. The Council/School shall advise the employee of the grounds for suspension and the employee shall have a right of appeal to the Head of Human Resources of the Council. If the Council/School decides that the grounds were justified, then the employee shall forfeit the right to any further payment in respect of that period of absence. Repeated abuse of the sickness scheme should be dealt with under the disciplinary procedure.
13. If a period of absence due to incapacity is, or appears to be, caused by actionable negligence, nuisance or breach of any statutory duty on the part of a third party in respect of which damages are or may be recoverable, the employee shall immediately notify HR of that fact and of any claim, settlement or judgment made or awarded in connection with it and all relevant particulars that may reasonably be required. The employee shall, if required by the Council, co-operate in any related legal proceedings and refund to the Council that part of any damages or compensation recovered by them relating to the loss of earnings for the period of absence, as the Council may reasonably determine less any costs borne by the employee in connection with the recovery of such damages or compensation. The amount to be refunded shall not exceed the total amount paid to the employee by the Council in respect of the period of absence. The Council will also claim interest equivalent to what was claimed by the employee from the third party.
14. An employee shall not be entitled to claim sick pay under the scheme unless they comply with the sickness reporting procedure.
15. An employee shall, if required by the Council/School at any time, submit to a medical examination by a medical practitioner nominated by the Council/School, subject to the provisions of the Access to Medical Reports Act 1988, where applicable. The school will meet any costs associated with the examination. Where it is necessary to obtain a second medical opinion, it should be provided by an independent medical referee.
16. Where, for the purpose of qualifying for sick pay under the scheme, the school requires a doctor's statement from an employee, the school will reimburse the employee the cost of such a statement on the provision of a receipt.
17. Where an employee is receiving sick pay under the scheme, sick pay should continue if a public or extra statutory holiday falls during such sickness absence. No substitute public or extra statutory holiday should be given, however, there are some exceptions where the employee has been off long-term sick, and their annual leave will need to be reviewed against the minimum statutory holiday entitlement. Please speak to Human Resources for further advice in these situations.

APPENDIX 3

Conditions of Service for Teachers in England and Wales

Payment during Sick Leave

- a) Subject to the provisions of the Occupational Sick Pay Scheme, entitlement to pay during sick leave in any one year will be in accordance with the following scale of continuous service:
- **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 year of service** – full-pay for 100 working days and half-pay for 100 working days.

In exceptional cases the Authority may, at its discretion, extend periods of sick pay.

Appointment and entry to the Sickness Payment Scheme are conditional upon a satisfactory medical report. The Council reserves the right to terminate the employment of any employee who is subsequently found to have withheld or otherwise distorted any information, the disclosure or correct statement of which might have resulted in medical clearance not being given.

- b) You should follow the procedure below to qualify for sickness payment:
- **Day One** - ensure that an authorised person (at school) is notified of sickness absence by telephone or other means.
 - **Day Four** - inform the authorised person (at school) of the continued absence and the likely date of return to work.
 - **After 7 Days** - see a doctor or other healthcare professional for an assessment and obtain a medical certificate no later than the 8th day of illness (employees are entitled to a free statement to confirm fitness to work for absences which last more than 7 days).
 - Further certificates should be obtained on the expiry of the previous note(s) until you are fit to resume work. This applies to employees at schools even when your absences continue, or you become fit, during school holidays.

For the purpose of this scheme, “working days” means teaching and non-teaching days within “directed time”, as specified under paragraph 40 of the School Teachers’ Pay and Conditions Document.

Sick pay shall include, where appropriate, Statutory Sick Pay and shall not exceed the full (ordinary) pay of the Teacher under their contract of employment.

If a period of absence due to incapacity is, or appears to be, caused by actionable negligence, nuisance or breach of any statutory duty on the part of a third party in respect of which damages are or may be recoverable, the employee shall immediately notify HR of that fact and of any claim, settlement or judgment made or awarded in connection with it and all relevant particulars that may reasonably be required.

The employee shall, if required by the Council, co-operate in any related legal proceedings and refund to the Council that part of any damages or compensation recovered by them relating to the loss of earnings for the period of absence, as the Council may reasonably determine less any

costs borne by the employee in connection with the recovery of such damages or compensation. The amount to be refunded shall not exceed the total amount paid to the employee by the Council in respect of the period of absence. The Council will also claim interest equivalent to what was claimed by the employee from the third party.

Solihull Metropolitan Borough Council

Appeal against Dismissal/Sanctions Taken

DATA PROTECTION FAIR PROCESSING NOTICE

All information supplied on this Appeal Form may be held and used as detailed below:

The form is sent to the Head of Human Resources or Chairperson of the School Governing Body to process and acknowledge and is retained until the sickness absence process has been completed. A copy of the form will be shared with Human Resources to ensure the appeal process is correctly followed, and also with members of the independent Appeal Panel (SMBC senior employees/school Governors) as part of a confidential 'bundle' of evidence heard at an appeal meeting, or to an Employment Tribunal, ACAS and legal representatives, should a case progress that far.

For further information about how we use your information, please refer to the Council's Data Protection Policy on the [Intranet](#) / school Extranet and Privacy Statement on www.solihull.gov.uk.

I wish to submit an Appeal against dismissal/action taken.

PERSONAL DETAILS

Your Name:	
Your Job Title:	
Your Contact Address:	
Your Contract Telephone No.:	
Trade Union/Representative: (if known)	

DETAILS OF ACTION TAKEN

Type of Action taken: (e.g. dismissal etc.)	
Name of line manager/Headteacher/Chair taking decision	
Date of receipt of written decision	

GROUNDS OF APPEAL

Please provide further detail for your grounds of appeal (continue on another sheet if necessary).

--

Your Signature :		Print Name:	
Date:			

NOTE: If you are appealing against dismissal, please send this form to the Head of HR/Chair of Governors within 5 working days of receipt of the dismissal letter.

Time off for Medical Appointments

High absence levels affect the Council's ability to deliver its services reliably and can also impact upon the morale, performance and health of staff. All staff share a responsibility to help keep absence levels to a minimum and are entitled to expect fair treatment when needing time off. This document outlines the approach when staff need time off to attend medical appointments.

General Approach

Employees will generally be expected to attend routine medical (doctor, dentist, hospital, blood tests etc.) appointments in their own time.

Where an employee has to attend an appointment and this cannot be arranged outside of normal working hours, it may be reasonable to allow paid time off to attend within working hours. This will be subject to service considerations and approval by the respective manager.

For non-routine or urgent medical/hospital appointments that occur during normal working hours, paid time off will be allowed.

Employees requesting time off may be required, by their manager to produce an appointment card or other document confirming details of the appointment. It is recognised that both manager and employee will need to be flexible in the application of this arrangement.

For employees that have an appointment with Occupational Health, the MSK Physiotherapy Clinic or counselling arranged via the Employee Assistance Programme in working time, time off will be given to attend. Appointments outside of working hours or on a non-working day will not be classed as working time and the employee will not be credited with the hours. Where expenses are incurred, reimbursement must be agreed in advance by the line manager/Headteacher in line with the Travel, Subsistence & Personal Expenses policy.

Treatment for Underlying Medical Conditions

For staff who need to undergo regular treatment for an underlying medical condition, each case will be treated on its merits and much will depend on the individual's circumstances and the nature of the treatment. Arrangements should be discussed and preferably agreed, in advance, between the individual and their line manager. Please see the guidance notes for further information.

Pregnant Workers

Please refer to the Maternity Policy for details of time off for appointments and ante-natal care.

Fertility Treatment

Please refer to the Leave of Absence Policy for details of time off and support for fertility treatment.

Medical Screening

Employees will be granted paid time off for the purposes of cancer screening where they cannot make visits in their own time. The employee should liaise with their line manager to agree a mutually convenient time. For information on other types of leave, please refer to the Leave of Absence policy.