

The Mercian Trust

Attendance Management Policy

Policy Owner	The Mercian Trust
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1. Introduction:

1.1 This policy sets out the rights, entitlements and obligations of all employees who are absent from work owing to sickness, injury or disability. Where an employee has protected enhanced TUPE entitlements set out in their contract of employment, these will be adhered to.

1.2 The Mercian Trust supports the ethos of having a healthy productive workforce who will be supported at times of ill health as much as is reasonably practicable. Employees will be encouraged to attend work on an optimum basis.

1.3 The purpose of this policy is to provide the Trust with a mechanism for responding to and managing absence which is the result of genuine ill health.

1.4 The Trust's approach to the monitoring and management of sickness absence is governed by the following principles:

- sickness absence should be managed fairly, consistently and systematically;
- the Trust will take pro-active measures to effectively manage sickness absence, at all times balancing the safety, welfare and needs of staff with the need to minimise the detrimental impact of staff absence on pupils' education and life chances, and on the smooth and cost-effective running of our academies.
- employees whose medical condition, temporary or long term, renders them unfit to perform their duties safely or reasonably effectively should not attend work until they are fit to do so or until adjustments have been put in place which enable them to return safely and perform reasonably effectively.
- high levels of sickness absence place an unreasonable and potentially detrimental burden on those employees who remain at work and the Trust has a duty to protect the welfare of these employees by seeking to minimise sickness absence.
- all employees are entitled to expect fair and reasonable treatment which complies fully with the requirements of employment legislation.
- all discussion of an employee's health and medical conditions will be approached with sensitivity and understanding, and the information recorded and shared will be treated confidentially in accordance with the General Data Protection Regulations (GDPR) and the Trust's Employee Privacy Statement.
- in taking action to manage attendance, the Trust will always aim to support the employee to achieve the required improvement. Action under this policy is not designed to be punitive, although where the required improvement is not achieved and an employee's reduced availability to carry out their contractual duties is having an adverse effect upon the provision of education or the smooth and cost effective running of the Trust, this policy can result in formal action up to and including the termination of an employee's contract of employment.
- employees are entitled to a safe working environment and to safe systems of work. In managing and monitoring attendance, the Trust will always seek to identify potential risks to the welfare of staff and will proactively seek to remove or reduce identified risks.
- the effective management of attendance and of the safety and welfare of staff requires affected employees and management to work co-operatively together, jointly owning the problem, freely sharing relevant information and jointly seeking and implementing solutions.
- whilst the presumption will always be that a person's reported ill health is genuine, action under the Disciplinary Procedure may be taken where there is evidence to

support a reasonable belief that the absence is not due to genuine ill health and that sick pay is being claimed improperly.

2. Roles and Responsibilities in The Management of Attendance:

2.1 The employee, the Headteacher/Principal (or the appropriate manager), and the Trust (or Local Governing Body) all have key roles and responsibilities in the management of attendance. This will include promoting and protecting the wellbeing of all employees and undertaking Occupational Health referrals and risk assessments where appropriate.

Employees

2.2 It is the responsibility of each employee to:

- attend work when fit to do so.
- comply fully with the Trust's and the individual Academy's sickness absence reporting procedures.
- ensure medical advice and treatment, where appropriate, are sought as quickly as possible in order to minimise the length of the absence and facilitate a return to work at the earliest reasonable opportunity.
- maintain contact with the Headteacher/Principal, or the appropriate manager (or CEO where the absent employee is the Headteacher/Principal) at reasonable intervals (prior to the expiry of a medical certificate, for example) to ensure that the Trust/Academy is kept informed of developments and can continue to plan effectively;
- provide the Trust/Academy with a completed self-certification form after a period of sickness absence up to seven calendar days, and a medical certificate/ doctor's statement after seven consecutive calendar days if the absence continues. Exceptionally, the Trust may require certificates at more frequent intervals. The Trust will meet the need of these additional costs.
- notify the Trust/Academy as soon as possible in the case of an injury sustained in the course of employment and ensure that the circumstances are promptly entered into the Accident Book.
- attend appointments as required with the Trust's/Academy's medical advisors (Occupational Health) to ensure that the Trust/Academy can act on the basis of expert medical advice. Under the provisions of the Burgundy Book, NJC and Associate Staff terms and conditions, it is a contractual condition of the sick pay schemes that, if required, an employee will submit to a medical examination by a medical practitioner nominated by the Trust and at the Trust's expense. Failure to comply with such a request may result in the withdrawal of further sick pay and decisions being taken regarding continued employment without the benefit of such medical advice.

Headteacher/Principal (or appropriate manager)

2.3 References to the Headteacher/Principal in this policy should always be taken to include "and/or their appropriate manager". The Headteacher/Principal is responsible for overseeing the management of attendance for all teaching and associate staff in their academy. In larger academies, it will be necessary and appropriate for the Headteacher/Principal to delegate authority for the implementation of particular aspects of this policy to other appropriately qualified and senior members of staff. Specifically, the Headteacher/Principal will:

- understand the policy and seek professional advice on its implementation where necessary;
- ensure that the procedure for reporting sickness absence is communicated clearly to all employees of the academy.
- The procedure for reporting sickness absence applies during any period of special leave and holidays and is a condition of the sick pay schemes;
- ensure that this policy is fairly and consistently applied;
- ensure that accurate sickness absence records are maintained and monitored routinely to identify potential causes of concern at an early stage;
- ensure that, where appropriate and justifiable, quick and decisive action is taken with regard to employees who do not comply with the sickness absence notification procedures. This may include action under the Disciplinary Procedure;
- where it is decided that attendance management action or action to protect an employee's welfare is required, ensure that clear plans are established, fully implemented and periodically reviewed;
- ensure that any employee with responsibility for receiving notification of another employee's sickness absence understands the importance of treating such data sensitively and in accordance with the GDPR;
- where it is deemed medical suspension is necessary they will ensure they seek advice from a medical professional and when a decision to medically suspend occurs they will ensure the employee understands it is to protect their health and wellbeing and the suspension will be on full pay and the absence will not be counted as sickness absence for the purpose of this policy where the employee believes they are fit to attend work.

Local Governing Body

2.4 Members of the Local Governing Body will hear all Final Formal Meetings and any subsequent appeal against the decision to issue notice of dismissal.

The Trust

2.5 It is the responsibility of the Trust to:

- ensure that all academies have clear sickness absence reporting procedures which are clearly communicated to employees.
- ensure that this policy is implemented fully, fairly and consistently across the Trust;
- manage any stage of this policy in line with the Scheme of Delegation

3. Communication During Periods of Sickness Absence

3.1 As set out in the roles and responsibilities of employees above:

- employees must report sickness absence in accordance with local reporting procedures. Absences must be reported with sufficient notice for the Academy/Trust to be able to arrange appropriate cover; individual academy reporting procedures will set out the required time scales and methods of communication. Absences should be reported verbally via telephone wherever possible. Where an employee does not report a sickness absence and has not arrived for work, the Headteacher/Principal will take reasonable and appropriate steps to contact the individual or their identified contact in order to ensure their safety and wellbeing.
- employees must provide a medical certificate promptly where an absence continues for more than seven consecutive calendar days. This may be scanned and e-mailed

to the Trust/Academy but the original copy should be posted to the academy without delay and within 5 days of it being due or before it's expiry to evidence its authenticity.

- employees must initiate or consent to appropriate and reasonable contact with the Headteacher/Principal or the appropriate manager at appropriate intervals during a continuing period of sickness absence.

3.2 Contact should be made immediately prior to the expiry of a medical certificate to enable the Trust/Academy to consider a return to work plan to ensure a safe and successful return or to enable the Trust/Academy to continue to plan cover for the absence.

3.3 The purpose of the contact will be to explore some or all of the following:

- Any progress in the employee's recovery since the last review conversation and whether there is an anticipated return to work date.
- Any further medical interventions which may be planned and their implications for the length of the ongoing absence.
- The likely outcome of the forthcoming visit to the GP to review the FIT note.
- Whether there are any adjustments (e.g. contractual working hours, duties, specialist equipment, phased return etc) which might assist the employee in making an early return to work or whether any adjustments might be necessary on the employee's eventual return if that is unlikely to be imminent.
- If the employee requires any further support from the academy to help them maintain contact.
- Whether an Occupational Health referral may be appropriate in the circumstances.
- The recommendations made in an Occupational Health report which has been received since the last review conversation.
- To update the employee on any essential work-related matters relevant to them during their absence.

3.4 Where, following contact, there is a significant change in the employee's circumstances, the employee is expected to notify the Trust/Academy of this change at the earliest reasonable opportunity.

3.5 The arrangements for contact can be agreed with an employee. In exceptional circumstances only will the Trust agree to this contact being made through a third party where confirmed medical reasons necessitate. In most circumstances, there should be direct contact with the employee unless medical advice prohibits this.

4. Return to Work Discussions:

4.1 On return to work from any period of sickness absence, the appropriate manager should meet with the employee for a short informal discussion at the earliest opportunity on the morning of their return or as soon as practicable afterwards to ensure they are fully supported. They should discuss:

- the reason for the absence
- if the absence is linked to previous absences
- identify whether there is any work-related link which may require management intervention
- Identify whether any reasonable adjustments are required
- Offer any additional support which has been identified
- Discuss details of any agreed return to work based on advice

- ensure that the employee is aware of any important information they may have missed due to absence.

The appropriate manager is required to make a confidential note of the discussion. All such records must be stored in accordance with the GDPR.

4.2 In the case of a return from a long-term absence (4 weeks or more), a discussion will also be conducted prior to any return to work.

4.3 The purpose of such discussions is to:

- seek reassurance that the employee is indeed fit to return to work. It is not a manager's role to make judgements about an employee's fitness for work. The appropriate manager should review the information provided by the employee, their GP and Occupational Health and act on that basis.
- where required, to agree an action plan for the employee's return to work, seeking to ensure that their return is safe, sustained and successful;
- discuss whether there are any residual symptoms which might have an impact on the employee's ability to carry out the duties of their job safely and effectively;
- discuss and identify whether the duties of the job might impact negatively on the employee's health given their medical condition;
- identify any reasonable adjustments which could be made to reduce or remove any potential negative impact on the employee's condition and health and welfare in the workplace. These might include adjustments to working hours (either a phased return to work or permanent changes), adjustments to the job duties, the purchase of special equipment etc;
- determine whether any additional expert advice should be sought via Occupational Health.

4.4 Discussion about the reasons for absence will be handled sensitively, balancing the need for the Trust/Academy to have sufficient information to be able to take action to fulfil its legal duty of care to the employee with appropriate respect for the employee's rights to privacy. In exceptional circumstances the employee may request to discuss the reasons for absence with a preferred nominated individual.

4.5 Return to work discussions will be supportive and will not be used to deal with matters of misconduct or performance which should be dealt with under the appropriate procedures.

4.6 The matters covered, and agreements made in return to work discussions following long term absences (4 weeks or more) will be summarised in a letter/email to the employee, a copy of which should be retained on the employee's file for future reference.

4.7 Any claim by the employee that his/her absence has been caused by an injury at work should be reported to the appropriate manager during the absence. The appropriate manager will ensure the correct recording and investigation of the circumstances which led to the injury in accordance with the Trust's procedures. A copy of each accident report will be given to the employee concerned. Where appropriate, and in particular if there is any doubt over the cause and extent of the injury, advice may be sought from Occupational Health. The objective of the Occupational Health referral will be to protect and promote the health and wellbeing of the employee and to try and assist them in returning to work if the injury sustained has resulted in absence. If the investigations are complete and an agreed report received, any recommendations for remedial action not already implemented may be discussed at the return to work meeting.

5. Attendance for Less than a Full Day

5.1 If an employee becomes ill during the working day or arrives at work and feels too unwell to continue, before they leave, they must:

- discuss the matter with the Headteacher/Principal or appropriate manager and inform them of the need to leave.

5.2 If an employee leaves work through sickness within an hour of their designated start time, the absence will be classed as a full day of sickness absence.

5.3 If an employee leaves work through sickness before 1.00pm, but after an hour of their designated start time, the absence will be classed as half a day of sickness absence.

5.4 An employee who leaves work through sickness after 1.00pm, is considered to have completed a full working day. However, this may be reviewed in individual cases where an employee is frequently leaving work through sickness absence after 1.00pm.

5.5 An employee who is part-time and/or has a variable pattern of work should seek guidance from HR as to how sickness absence will be recorded in this instance.

6. Absence Monitoring & Review Points:

6.1 In order to maintain a fair and consistent approach to managing short term absence, the Trust/ Academy will monitor the frequency and duration of each individual employee's attendance over a rolling 12-month period. If the levels of attendance deteriorate to a level to cause concern, the formal review process will commence.

6.2 The formal review process will commence where an employee has 3 periods of absence or absence equivalent to two working weeks in a 12-month rolling period, or where the pattern of absence is causing concern. These thresholds are referred to as 'review points' throughout this policy.

6.3 When reviewing absence, the Trust/Academy has the discretion to disregard specific periods of sickness absence when contemplating formal warnings where the appropriate manager believes that, in all of the circumstances, it is reasonable and fair to do so, specific HR advice should be sought. In any event, periods of absence must be disregarded for the purposes of issuing formal warnings where they are a result of pregnancy, infectious/contagious diseases contracted directly in the course of employment or a reported industrial accident or injury.

6.4 Where an employee has a disability, every reasonable effort must be made to identify reasonable adjustments which may, support the employee in providing reliable and effective service. Advice must have been received from Occupational Health and Human Resources before any formal action is considered.

6.5 Under the Equality Act 2010 a person is disabled if they have a physical or mental impairment which has a substantially adverse and long-term effect on their ability to carry out normal day-to-day activities. In the workplace such activities are taken to include things like using a telephone or computer, interacting with colleagues, following instructions, driving and carrying everyday objects. (ACAS)

7. Formal Action:

7.1 Where the number of days absent through ill health reach the review points, formal review and management of the employee's absence will commence.

7.2 The formal arrangements will consist of three levels of warning which are progressive and are intended to be used as an early and formal alert to employees that sustained improvement in their attendance and availability for work is required.

7.3 All stages of the formal arrangements will be facilitated through formal sickness absence review meetings which will be based around the following arrangements and outcomes.

7.4 During any stage of the formal process, where two warnings at the same stage (i.e. two First Stage warnings) have been issued within the preceding two years, the formal procedure may be escalated automatically to the next stage if the required level of attendance is not being reached.

Stage 1: First Formal Meeting

7.5 Where a review point is reached as identified above a formal sickness absence meeting will be arranged.

7.6 The chair of the formal meeting will be the Headteacher/Principal or appropriate manager. Support will be provided by an HR representative if deemed necessary.

7.7 The employee will be provided with written details of the sickness absence concerns, copies of all the related return to work forms, the reasons for the concerns and the possible outcomes of the meeting, at least five working days before the meeting. The employee should also be notified of their right to be accompanied at the meeting by a trade union representative or workplace colleague.

7.8 If the employee or their trade union representative/work colleague/companion is unable to attend a meeting they may propose a new date expeditiously of no more than five working days from the date of the original date.

7.9 At the meeting there should be a two-way discussion considering the following points:

- The period(s)/pattern(s) of absence that have become of concern.
- The impact of the employee's absence, service provision and any assistance which has already been provided to the employee to support their attendance at work and the benefits of that support.
- any relevant information which may help the Trust/Academy to fulfil its legal duty of care to protect the employee's health, safety and welfare at work and support them in improving their attendance;
- any medical conditions which might have an impact on the employee's ability to carry out the duties of their job safely and effectively;
- any duties of the job might impact negatively on the employee's health given their medical condition; any adjustments which might reduce or remove any potential negative impact on the employee's condition, health and welfare in the workplace. These might include adjustments to working hours (temporary or permanent), adjustments to the job duties, the purchase of special equipment etc;
- the timescales over which such adjustments should be maintained and how and when they should next be reviewed.;
- whether any additional expert advice should be sought via Occupational Health;
- the implications of absence on the smooth and effective running of the Trust/Academy;

- the implications of this policy for the employee if their attendance continues to fall below the required thresholds.

7.10 The Chair of the meeting will, having explored all of the above and having given the employee the opportunity to set out any other relevant information, make a determination on the outcome. This will either be:

- **No further action** - in limited circumstances where taking into consideration all information presented. A letter should be sent to the employee outlining the matters discussed at the meeting, confirming the outcome and the reasons for it.
- **A First Formal Warning** which will remain live for 6 months from the date of issue. The warning will be confirmed in a letter detailing the reasons that have contributed to the warning and the matters discussed in the meeting. The letter will also confirm that the employee will be subject to further formal action if they are absent for more than 5 working days over 2 occasions of absence over the following 6-month formal review period starting with immediate effect. The letter will also notify them of their right of appeal against the decision. (See below)

7.11 If the employee's sickness absence levels improve and the employee's absence does not exceed 5 working days over 2 occasions during the review period, no further action will be taken.

7.12 If during the formal review period, the employee's sickness absence exceeds 5 working days over 2 occasions, discussions with Human Resources should take place in order that action at Stage 2 will commence.

Stage 2: Second Formal Meeting

7.13 Where improvements in attendance have not been achieved in the timescales set out at Stage 1, a further formal sickness absence meeting will be convened with the notice periods and right to be accompanied applying as set out in Stage 1 above.

7.14 The second formal meeting will follow the same process as the First Formal Meeting above.

7.15 Where the employee has not been referred to Occupational Health, a referral must be made as soon as it is evident that the employee's attendance has not met the required standard and that a second formal meeting will need to be instigated. It may be necessary to obtain a current report where one has already been obtained at an earlier date. Advice should be sought from Human Resources prior to referral in order to assist with the referral detail.

7.16 The Chair of the meeting will, having explored all of the above and having given the employee the opportunity to set out any other relevant information, make a determination on the outcome. This will either be:

- **No further action** – in some limited circumstances where, taking into consideration all information presented. A letter should be sent to the employee outlining the matters discussed at the meeting, confirming the outcome and the reasons for it.
- **An extension of the first review period** - in some limited circumstances where the Chair considers that there are appropriate reasons to justify action short of a Second Formal Warning. A letter should be sent to the employee outlining the matters discussed at the meeting, confirming the outcome and the reasons for it, the length of the extension and the attendance target to be achieved during the period of the extension.

- **A Second Formal Warning** which will remain live for 6 months from the date of issue. The warning will be confirmed in a letter detailing the period(s) of absence that have contributed to the warning and the matters discussed in the meeting. The employee must be informed at this meeting and in the letter that failure to achieve the required levels of attendance may result in the matter being referred to a Final Formal Meeting where they may be at risk of dismissal. The letter will confirm that they must achieve an attendance target of no more than 5 working days sickness absence over 2 occasions over the following 6-month formal review period starting with immediate effect. The letter will also notify them of their right of appeal against the decision. (See below)

7.17 If the employee's sickness absence levels improve and the employee's absence does not exceed 5 working days over 2 occasions during the review period, no further action will be taken, and the Chair will confirm this in writing to the employee.

7.18 If during the formal review period, the employee's sickness absence exceeds 5 working days over 2 occasions, action at Stage 3 will commence.

Stage 3: Final Formal Meeting

7.19 Where improvements in attendance have not been achieved within the timescales set out in the Second Formal Warning, a Final Formal Meeting will be convened.

7.20 The Scheme of Delegation sets out the appropriate level of authority and composition of the panel for the Final Formal Meeting. Support will be provided by an HR representative.

7.21 In the notification of the meeting, which will be sent at least 5 working days before the meeting, the employee will be advised that they are considered at risk of dismissal and that they have the right to be accompanied by a trade union representative or an employee of the Trust. They will be provided with a copy of this policy. The documentation from all of the previous informal and formal stages will be made available to the employee and the formal panel in advance of the meeting.

7.22 If the employee or their trade union representative/ companion is unable to attend the meeting, they may propose a new date of no more than 5 working days from the date of the original proposal.

7.23 Current and relevant Occupational Health advice will be sought in advance of a final stage meeting in order that the report and its contents can be considered by the panel.

7.24 The employee will have an opportunity to put their case to the panel in person prior to any decision being made.

7.25 The formal panel will give full consideration to all relevant information pertaining to the case and will make a decision based on this information.

7.26 The panel may decide to:

- **retain the employee on a Second Formal Warning** setting a further formal review period of 6 months in which the employee's absence must not exceed 5 working days in 2 occasions of absence. Failure to achieve this target will result in the Final Formal Meeting being reconvened with the same panel.
- **Consider alternative employment /re-deployment** where appropriate, available and agreeable. (e.g. less hours, less responsibility)

- **issue contractual notice of dismissal** on the grounds that the employee has failed to fulfil their contract due to non-attendance at work. In reaching a decision to dismiss all other options will be considered beforehand on a case by case basis. Subject to the terms of the individual employee's contract, it may be acceptable for them to be released with immediate effect and to receive pay in lieu of notice.

7.27 The formal panel's decision will be confirmed in writing within 5 working days of the meeting and will set out the right of appeal. (See below)

Appeals:

7.28 An employee who wishes to appeal against the issue of a First or Second Formal Warning or a decision to issue notice of dismissal under this policy should make their appeal in writing, addressing it to the Chair of the appeals committee setting out clearly the grounds for their appeal and ensuring that it is received within 5 working days of receipt of the letter confirming outcome.

7.29 The Scheme of Delegation sets out the appropriate level of authority and composition of the appeal panel.

7.30 The appeal will take place as soon as reasonably practicable. The employee will be given a minimum of 5 working days' notice of the date, time and venue for the appeal.

7.31 At the appeal, the employee will be given an opportunity to present his or her case and will be entitled to be accompanied and represented by a trade union representative/work colleague.

7.32 If the employee or their representative is unable to attend the meeting, they may propose a new date of no more than 5 working days from the date of the original date.

7.33 The panel appointed to hear the appeal, will take into account any representations made by the employee and of the formal panel's decision to dismiss. The panel may decide to:

- **uphold the appeal in full.** The formal warning or the notice of dismissal would be withdrawn with immediate effect.
- **uphold the appeal in part** where the appeal is against a Second Formal Warning. The appeal panel could substitute the Second Formal Warning for an extension of the First Formal Warning.
- **dismiss the appeal.** The formal warning or notice of dismissal would remain in force.

7.34 The decision will be notified to the employee in writing without unreasonable delay.

7.35 The decision of the appeal panel is final and there is no further internal right of appeal.

8. Long Term Sickness Absence:

8.1 Where an employee is absent from work for 4 weeks or more, they will fall within the scope of the long-term sickness absence management procedure. In all but exceptional circumstances, the process of reviewing the ongoing absence, its causes and any possible options to resolve the absence should commence at this stage though this does not preclude such action commencing at an earlier stage.

8.2 The Headteacher/Principal or appropriate manager will maintain regular and supportive contact, which may include regular review meetings to discuss the employee's continuing absence, when the employee may be able to return to work and any reasonable adjustments

that the Trust /Academy may be able to make to assist the employee in returning to work. A union representative may also be used to maintain regular and supportive contact when the situation deems an alternative approach.

8.3 The employee's absence and medical condition should be reviewed at regular intervals, commencing after four weeks of continuous absence. At each review the Headteacher/Principal or appropriate manager should decide on any appropriate action, taking account of a prognosis of the condition and an expected date for a return to work where available. When the recovery from specific types of surgery can be estimated reliably a report from Occupational Health will not always be necessary however current and appropriate medical advice will be sought when the employee's medical condition and prognosis is more complex.

8.4 Where a referral is made to Occupational Health, a copy of the referral will be sent to the employee. The purpose of a referral will be to seek expert medical advice on the employee's condition and recommendations on how the Trust/Academy may manage the employee safely in the workplace on their return, or whether the employee is fit to carry out their contractual duties.

8.5 The Trust/Academy will always consider advice from Occupational Health. If the Trust/Academy has concerns about the advice received, it may refer the matter back to the Occupational Health provider for review or commission a further report from an appropriate specialist.

8.6 Prior to returning to work from a long-term absence, an employee must meet with the Headteacher/Principal or designated representative to carry out a full assessment of their needs on return and to plan, where necessary, a package of measures to support the employee in making a successful, safe and sustained return to work. The return to work plan agreed will be documented and a copy will be sent to the employee prior to their return. The Trust/Academy will ensure that any adjustments agreed have been put in place by the date of the employee's return. The return to work plan will be reviewed at regular intervals; it is recommended that such reviews should be conducted at the end of the first day of the return and at the end of the first week. After this, reviews may take place at weekly or fortnightly intervals. The purpose of the review is to identify any difficulties the employee has experienced or risks they anticipate which had not been predicted at the time the initial plan was initiated, to review the effectiveness of the adjustments which have been put in place and to check if any other modifications to the plan may be appropriate.

8.7 Where the disruption to service provision, learners and /or work pressures on work colleagues is considered unsustainable and where there is a concern that continued attendance at work, even where adjustments have been made and considered, places undue health and wellbeing pressures on the employee or where an employee is unable to return to work either at all or within the foreseeable future, the Trust/Academy may consider;

- Ill health retirement in accordance with the rules and procedures of the relevant pension scheme or where this is not appropriate:
- Termination of the employee's contract of employment on grounds of incapability due to ill health.

8.8 Where an employee has had repeated periods of long term absence which, impacts significantly on the delivery of service, the Trust will balance its duties and obligations to the employee with the need to provide pupils with a stable education and the need to ensure a

smooth and cost effective operation and may seek legal advice on terminating the employee's contract of employment.

9 Stress Related Absence:

9.1 The Trust subscribes to the following expert views in defining 'stress':

- In defining the difference between 'stress' and 'pressure', the Health & Safety Executive report, "We all experience pressure regularly – it can motivate us to perform at our best. It is when we experience too much pressure and feel unable to cope that stress can result." (HSE: 'How to tackle work-related stress - A guide for employers on making the Management Standards work' (2009))
- "Stress is the feeling of being under too much mental or emotional pressure. Pressure turns into stress when you feel unable to cope. People have different ways of reacting to stress, so a situation that feels stressful to one person may in fact be motivating to another. (<http://www.nhs.uk/conditions/stress/Pages/Introduction.aspx>)

9.2 The Trust takes seriously its commitment to provide a healthy workplace and safe systems of work and will monitor stress-related absences or reports of stress among staff. The Trust/Academy will take prompt and reasonable action to protect staff from an unreasonable and unhealthy burden of pressure taking into account the limitations imposed by external factors. The Trust/Academy will take all reasonable action to foster and promote positive relationships between staff and between staff and pupils to minimise the potential for stressful conflict.

9.3 Where staff report being stressed, or where there are clear signs that an employee might be stressed, the Headteacher/Principal or appropriate manager, will meet promptly with the member of staff concerned, giving them the opportunity to be accompanied at the meeting. The meeting will be entirely supportive, and the purpose will be to conduct a stress risk assessment where the following will be considered;

- Identify the possible sources of the stress (the 'stressors'), whether work related or otherwise.
- Identify any possible actions which the Trust/Academy and/or the employee could take to reduce or remove the negative effect of those stressors.
- To draw up an action plan to support the employee in remaining in the workplace safely or returning promptly to the workplace if they have commenced a period of stress-related absence. This can be set out on a Stress Risk Assessment template.
- The employee will be provided with a written copy of the action plan/risk assessment and, if they have been signed off work by the GP, they will be expected to show the action plan to the GP and discuss it with him/her at the next review appointment or before if possible.
- It may be considered appropriate to refer the employee to Occupational Health for assessment and for reasonable adjustment recommendations in order to support the employee and potentially remove or reduce the stress.

9.4 In exceptional circumstances, the Trust/Academy will accept the process in 8.2 above being carried out through means other than a face to face meeting, for example, by telephone, in writing, or by using a trade union representative as a conduit for the information required or for suggestions for possible remedial action, though direct discussion between employee and employer is always preferable.

9.5 The action plan will be reviewed at regular intervals using the approach set out in the 'Long Term Sickness Absence section above.

9.6 The Trust accepts that in exceptional cases of stress related absence, the employee may benefit from a short period in which there is limited or no contact with the Trust/Academy. Where the employee is alleging that the stress is work-related in particular, the Trust will seek Occupational Health advice in order that regular and ongoing dialogue can take place to resolve the employee's stress and subsequently facilitate a return to work.

9.7 The Trust/Academy will always seek to engage readily, fully and openly with an employee and expects the employee to comply fully with the absence management process and any reasonable requests made to support the individual in any recovery or to assist with regular and reliable attendance at work.

Appendix 1 – Local Academy Reporting Procedures

Refer to school's Staff Absence Reporting Procedure.

Appendix 2 – Sick Pay Entitlements

Associate Employees

Associate Employees under Green Book provisions are entitled to receive sick pay for the following periods:

During 1st year of service 1 month's full pay and (after completing 4 months service) 2 months half pay

During 2nd year of service 2 months full pay and 2 months half pay

During 3rd year of service 4 months full pay and 4 months half pay

During 4th and 5th 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

The Trust/Academy shall have discretion to extend the period of sick pay in exceptional cases.

Teaching Employees

Teachers' national sick pay entitlements, set out in the Burgundy Book, give a sliding scale entitlement according to length of service, as follows:

During the first year of service: Full pay for 25 working days and, after completing four calendar months' service, half pay for 75 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 successive years: Full pay for 100 working days and half pay for 100 working days.

It should be noted that the Burgundy Book scheme operates on the basis of working days. It is only those working days for which the teacher is absent which count against the above sliding scale entitlements. Holidays and weekends do not count against these entitlements.

For part-time teachers, this sliding scale of entitlements applies on a pro rata basis. So, for example, a teacher who works three days a week, and is in his/her fourth year of service, would be entitled to 60 working days on full pay and 60 working days on half pay.

The Trust/Academy shall have discretion to extend the period of sick pay in exceptional cases.