Mayesbrook Park School
Alternative Provision for young people in Barking and Dagenham

Schools
Sickness Absence Policy

School/Academy Name:	Mayesbrook Park School
Date of Adoption:	May 2026
Chair of Governors Signature:	
Signature of Head Teacher:	

This Policy should not be amended by a School, except for entering details above. Any changes will invalidate the Policy.

The Schools HR Advisory Service will automatically update this Policy/Procedure to comply with any changes to legislation or ACAS guidance, to make corrections or increase the understanding and notify schools of the amendments.

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1. Introduction

Policy Governance Statement

Procedural steps essential to the fair and consistent operation of this policy are set out within the main body of the document. Appendices may provide supporting templates or guidance only; no Employee rights, obligations, or procedural requirements shall be contained solely within an appendix.

It is the wish of every Employer to promote good Employee relations practices and in keeping with this aspiration, this document is designed to clarify the rights and responsibilities of Governing Bodies, Head Teachers and other Employees and Trade Unions in respect of the management of sickness absence.

This Policy is intended to support staff and enable Head Teachers to manage sickness absence in a way that is fair, consistent and complies with employment, health and safety and education legislation. It is essential that sickness absence and incapability due to ill health are managed effectively. The Council and Locally Managed Schools are committed to the care, welfare and equitable treatment of Employees. It is recognised that most sickness absence is genuine and, by creating a fair and transparent Policy, it is hoped to avoid creating anxiety about the consequences of staying off work when ill.

The Policy balances the need to maintain service delivery and the interests of Employees by ensuring that Employees are fit and healthy for work. This Policy is dependent on the openness and mutual trust and respect between Employees and employers (represented by Head Teachers and nominated Deputy and Assistant Head Teachers or senior line managers for non-teaching staff) and the willingness of all parties to co-operate.

This Policy provides Schools with a consistent and structured framework that will enable them to properly manage the difficult and sensitive area of staff sickness absence levels. The aim is to help people to return-to-work and to remain at work, where possible.

This policy is designed to ensure compliance with Statutory Requirements and promote best practice within the School. It supports staff well-being, retention, and performance by providing clear processes and fair treatment.

Schools are asked to monitor and review the implementation of this policy regularly, using measurable indicators such as staff retention rates, absence trends, and feedback from staff surveys.

Evidence of impact will be documented and available for inspection to demonstrate how this policy contributes to improved teaching quality and positive outcomes for pupils.

This Policy should be read in conjunction with the School's other HR Policies, including Disciplinary, Grievance, and Leave of Absence. Where overlap exists, appropriate professional judgement must be applied to determine the correct process.

2. Using Alternative HR Providers

Community and Voluntary-Controlled Schools that choose to use a Human Resource Provider other than the Local Authority's recognised service must ensure that the Local Authority is notified in accordance with this Policy.

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Any external provider is required to follow the agreed Policy when offering advice or support.

Where there is any possibility that a case may result in dismissal, the Local Authority must be informed before any formal hearing takes place in Community and Voluntary-Controlled Schools.

Responsibility for issuing notice of termination rests with the employing body, in accordance with the governance arrangements of the School.

Schools that do not subscribe to the Schools HR Advisory Service (LBBD) should be aware that charges are likely to apply for advice or support relating to this Policy.

3. Legal Context

The Framework for managing sickness absence takes into consideration the provisions of:

- the Employment Rights Act 1996
- the Employment Relations Act 1999
- the Employment Act 2002
- the Education Acts 1944, onwards and regulations made under them
- the Equality Act 2010
- the Employment Act 2008 (Dispute Resolution)
- the School Staffing Regulations 2004 and
- the ACAS Code of Practice on Disciplinary and Grievance Procedures.

In addition, the adoption and operation of these procedures should ensure that the Governing Body and Head Teachers operate in accordance with all National and Local Conditions of Service that apply to both Teaching and Non-Teaching staff.

To support fairness and prevent any risk of discrimination, Governing Bodies and Head Teachers are encouraged to seek advice from the Schools HR Advisory Service or their chosen HR Provider at every stage of applying this Policy.

In all cases, the Commissioning Director Education or their Representative (Schools HR Advisory Service) has the right to attend meetings of the Governing Body's Disciplinary, Organisation Change (involving Redundancy) Capability (including Sickness Absence) and Appeals Panels (this does not apply to Academies or Voluntary-Aided Faith Schools).

Adopting this Policy ensures that the Governing Body receives full support from the Local Authority when managing cases. This Policy has been agreed locally with the recognised Trade Unions and Professional Associations.

If a Governing Body chooses to adopt an alternative Policy, a copy of the alternative Policy, along with the reasons for its adoption, should be provided to the Commissioning Director Education. The Director will inform the Secretaries of the recognised Trade Unions and Professional Associations. The Governing Body **must** then engage in consultation with those Trade Union Representatives with the aim of reaching an agreed approach.

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Governors must ensure that the adopted Policy are readily available to and understood by all Employees.

4. Sick Pay Arrangements

This Policy sets out the process for managing sickness absence and attendance. It does not determine entitlement to sick pay.

Sickness pay entitlement is governed separately by:

- the Burgundy Book (for teaching staff);
- the Green Book (for support staff); and
- any locally agreed contractual arrangements.

Decisions relating to sickness absence management, including progression through the stages of this Policy, are separate from decisions relating to pay. Reduction or exhaustion of sick pay does not of itself determine progression through the Sickness Absence Procedure, nor does progression through the procedure automatically affect pay entitlement.

Employees should be advised of the impact of sickness absence on pay at appropriate points during the process, particularly during long-term absence.

5. Disability and Reasonable Adjustments

5.1 Definition of Disability

Under the Equality Act 2010 a Disability is defined as: A physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities.

- 'substantial' is more than minor or trivial, e.g., it takes much longer than it usually would to complete a daily task like getting dressed
- 'long-term' means 12 months or more, e.g., a breathing condition that develops because of a lung infection

There are special rules about recurring or fluctuating conditions, e.g., arthritis.

Progressive conditions

A progressive condition is one that deteriorates over time. Individuals with progressive conditions may meet the definition of disability under the Equality Act 2010. In addition, a person is automatically regarded as disabled from the point of diagnosis if they have HIV infection, cancer or multiple sclerosis.

What is not counted as a disability

Please see guidance on conditions that are not covered by the disability definition, e.g., addiction to non–prescribed drugs or alcohol:

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https://www.gov.uk/government/publications/equality-act-guidance/disability-equality-act-2010-guidance-on-matters-to-be-taken-into-account-in-determining-questions-relating-to-the-definition-of-disability-html#section-a-the-definition

5.2 Legal Duty to Make Reasonable Adjustments

Under the Equality Act 2010, Head Teachers have a legal duty to consider and implement reasonable adjustments to support disabled Employees and job applicants. These adjustments aim to ensure equal access to employment and the workplace.

Please see Appendix 1 for further details.

5.3 Disability-Related Sickness Absence

Where sickness absence is linked to a disability, Schools must consider reasonable adjustments to absence triggers and targets. Disability-related absence should not automatically lead to formal procedures. Occupational Health advice must be sought, and any agreed adjustments should be documented using the Workplace Adjustments Passport (**Appendix 2**). Each case must be considered individually and sensitively, in line with the Equality Act 2010.

Other Examples of reasonable adjustments include:

- Modifying recruitment processes (e.g. tests, interviews).
- Providing special equipment or adaptations.
- Altering working hours or duties.
- Offering additional leave for treatment.
- Adjusting the work location or premises.
- Transferring to a suitable alternative role.

Adjustments should be discussed and agreed with the individual, recognising that many disabilities are hidden (e.g. cancer, HIV, neurodiversity). The emphasis is on what is reasonable, considering the size and resources of the school.

Adjustments must be considered when:

- A disability is disclosed or becomes apparent.
- The Employee requests support.
- Job performance is affected by a disability.
- Sickness absence is linked to a disability.

Agreed adjustments should be recorded using the Workplace Adjustments Passport (**Appendix 2**). For complex cases, advice should be sought from Access to Work and the Schools HR Advisory Service (SHRAS).

6. Confidentiality

Schools process health information, including information relating to workplace injuries, accidents, near misses, work-related ill health, and sickness absence, in accordance with the UK General Data Protection Regulation and the Data Protection Act 2018. The lawful

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basis for this processing is Article 6(1) – compliance with a legal obligation – and Article 9(2)(b), processing necessary for carrying out obligations and exercising specific rights in the field of employment, health and safety, and social protection law. Health data will be processed securely, used only for legitimate employment and health and safety purposes, and retained in accordance with the School's Retention Schedule.

Head Teacher's and Governors involved in the various stages in this Policy are advised that under no circumstances should they discuss the case with anyone outside of its scope or amongst themselves.

7. Responsibilities

7.1 **Mayesbrook Park** and the Employee are responsible for maintaining fair, consistent and objective procedures for matters relating to staff sickness absence. The Employee must be available to attend meetings during any period of sickness absence. Reasonable adjustments, alternative formats, or rescheduling will be considered where appropriate.

7.2 **Mayesbrook Park** has overall responsibility for the internal organisation, control and management of the Policy in the School. They should decide whether it will be appropriate to have face to face or remote meeting.

8. Support at Meetings

Employees have the legal right to be accompanied by a Trade Union Representative or a Work Colleague at any informal or formal meetings related to the Sickness Absence Policy. The Trade Union Representative must be from a union that is a member of the TUC.

The Trade Union Representative or Work Colleague is permitted to participate in the meeting. However, there may be questions that only the Employee can answer, as they may pertain specifically to the Employee circumstances.

Employees may bring a Trade Union Representative or Work Colleague to meetings. If unavailable, the meeting will be rescheduled within 5 working days (excluding school closures).

If the meeting is rearranged and the Employee does not attend, it may proceed in their absence.

It is a reasonable management request for the Employee to attend meeting(s) during periods of absence.

9. Relevant Information Relating to Absences

Each case should be considered carefully, depending on the individual circumstances.

Where sickness absence may be due to a medical condition or impairment defined as a "disability" under the Equality Act 2010, Head Teachers should always refer to and

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consider the guidance outlined in **Appendix 1**, "Reasonable adjustments under the Equality Act".

It should be stressed that all matters relating to sickness absence should be dealt with sympathetically and although a uniform approach is essential, this should not preclude each case from being considered individually on its own merits.

A clear and accurate record must be maintained of all meetings, decisions, actions taken, and the rationale for those decisions under this Policy. This information must be retained in line with the School's Retention Schedule.

10. Sickness Absence Reporting Procedures

10.1 An Employee who is sick should follow the School's Absence Reporting Procedure. The call should be made by the Employee personally, or, if this is not practical, by a partner, friend or relative.

10.2 The Employee (or partner, friend or relative) should state:

- the reason for their sickness absence as in the nature of their illness; and
- the estimated period of absence, if known.

10.3 The Employee, if possible, should alert someone in their department of any urgent work that may need to be covered during their absence.

10.4 If an Employee feels unwell and wishes to go home during the working day, they must notify the headteacher before leaving. The absence will be recorded proportionately and in line with the School's recording procedures. Staff will not be disadvantaged for attempting to attend work when unwell.

10.5 Sickness absence levels need to be consistently and accurately recorded to be effectively managed. The date and duration of each absence and the reason for it will be recorded by the designated person. This information will be retained by the school in accordance with the provisions of the GDPR/Data Protection Act 2018.

10.6 If an Employee provides false evidence of incapacity, or if an absence is not notified according to the School's Absence Reporting Procedure, or a valid reason for absence is not given, the Employee may be subject to disciplinary measures in accordance the agreed Disciplinary Policy following the formal return-to-work meeting and in accordance with the Sickness Absence Monitoring Procedure.

11. Self-Certification and Fit Notes

11.1 For sickness absence including the first day, Employees will be required to complete a self-certification form (Return-to-work Form) (**Appendix 3),** which must be completed for the return-to-work Meeting.

11.2 A period of sickness of more than seven calendar days must be certified by a Doctor's Medical Certificate (fit note), which will then be checked by the designated person and sent to the appropriate administrator.

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11.3 Where the illness is of an intimate nature, the Employee may directly submit the Self-Certification Sickness Absence/Return-To-Work form to the appropriate administrator in an envelope marked private and confidential.

11.4 If the sickness absence continues, each fit note should be submitted by the Employee to the designated person at each interval covering their periods of sickness absence consecutively.

11.5 When a fit note includes guidance to support an Employee's return to work, this advice will be carefully considered. Such recommendations may include a phased return, adjusted working hours, amended duties, or workplace adaptations.

Where appropriate, particularly if the Employer and Employee are unable to reach an agreement, advice may be sought from Occupational Health. In these situations, the School must make a fair and balanced decision, considering all relevant medical information and the Employee's circumstances.

11.6 If the Employer fails to make the changes or adaptations agreed between the Employee and Employer as a basis for the Employee returning to work, then the Employee will not be required to resume work until either the changes are implemented fully or the Employee is fit to function without them, whichever happens first. The Employee will be entitled to Trade Union Representation at any meetings to discuss changes to be implemented and/or the advice on the medical certificate.

11.7 Any disagreements about proposed changes to duties, working hours or working patterns arising from recommendations in a medical certificate will, where appropriate, be addressed under the Grievance Procedures, provided the matter falls within their scope.

12. Sickness Absence During Annual Leave and School Closure Periods

12.1 Sickness Absence During Annual Leave

If Employees are sick whilst taking annual leave, the days on which they are absent due to sickness will be deemed as sickness absence and their annual leave entitlement will be credited in accordance with the Sick Pay Policy and Procedure.

Employees must:

- Follow the Sickness Absence Reporting Procedure as outlined in this policy.
- Provide appropriate medical evidence (e.g., fit note) for the duration of the illness.

12.2 Sickness Absence During Annual Leave - Term-Time Only Staff

Term-time only staff do not take annual leave during term time; their leave entitlement is aligned with School closure periods and paid pro-rata.

Where sickness occurs during a School Closure Period:

- The absence will be treated as sickness, subject to compliance with reporting and evidence requirements.
- Statutory annual leave continues to accrue during sickness absence.

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- If sickness prevents the Employee from taking their leave during closure periods:
    - Up to **28 days** may be carried forward into the next leave year.
    - In exceptional cases where insufficient closure days remain, paid time off during term time may be granted to allow the Employee to take statutory entitlement.

12.3 Long-Term Sickness

- Employees on long-term sickness absence continue to accrue statutory annual leave throughout the period of sickness.
- Employees may request to take annual leave during sickness absence to maintain income where sick pay entitlement has reduced.
- Any untaken statutory leave at the end of the leave year may be carried forward in line with Working Time Regulations.
- Upon termination of employment, payment in lieu of untaken statutory leave will be made in accordance with legal requirements.

13. Time Off to Attend Medical Appointments

13.1 Employees will be permitted paid time off to attend medical appointments with their Doctor, Dentist or Optician and any other appointment of a medical nature. This includes paid time off for antenatal appointments.

Where possible, appointments should be made outside working time. If this is not possible Employees should aim to make the appointment at the beginning or end of the working day.

13.3 Paid time off will normally be limited to reasonable time required to attend the appointment, including travel, and Employees may be asked to provide evidence of appointments. Schools may record such time off for monitoring purposes but it will not be treated as sickness absence.

13.2 Employees will be permitted to paid time off to attend Access to Work assessments and training (ATW) alongside time off to attend medical appointments of a specialist nature, relating to long term illness and/or disability.

Please refer to the **Schools Leave of Absence Policy** for further details.

14. Sickness Triggers

Absence triggers are a prompt for review and do not result in automatic escalation or progression through the procedure.

Decisions will not be made automatically based on trigger points. Each case will be considered on its individual facts, taking into account medical evidence, mitigating circumstances, and statutory obligations.

The purpose of trigger points is to ensure that attendance is reviewed in a timely and consistent manner. Any decision to progress to a formal stage will be based on a full

consideration of the individual circumstances, including medical evidence, Equality Act 2010 duties, reasonable adjustments, and any other relevant mitigating factors.

Adjustments to trigger points will be considered where absence is related to a disability, pregnancy, or other protected or mitigating circumstances.

The trigger points for initiating an informal review are:

- **3 separate occasions of absence within any 12-month rolling period**
- **7 days of absence within any 12-month rolling period**
- **Any pattern of absence that gives rise to reasonable concern,** for example sickness immediately before or after annual/flexi leave, weekends or public holidays; on days where leave has not been approved; during significant events (for example, the Olympics, Wimbledon or the World Cup); or where Employees have previously met sickness absence trigger points. Any such pattern must be considered on its individual facts and should not result in automatic progression under this Policy.

Triggering a Sickness Absence Meeting does not predetermine any outcome, and all cases will be considered fairly, reasonably, and in line with this Policy and statutory obligations.

Pregnancy-Related Sickness Absence

Sickness absence that is pregnancy-related must be recorded separately and must not be included when applying sickness absence triggers or considering progression through the stages of this Policy.

Head Teachers must ensure that pregnancy-related sickness is managed in line with maternity legislation and guidance and should seek advice from the Schools HR Advisory Service where there is any uncertainty.

Equality Act Considerations

At every stage of this procedure, the Head Teacher (or designated person) must consider whether the Employee has, or may have, a disability within the meaning of the Equality Act 2010.

Where disability is identified or suspected, advice must be sought from Occupational Health and reasonable adjustments must be considered, including adjustments to triggers, targets, timescales or format of meetings.

Progression through the stages of this Policy must not occur automatically and must always take account of Equality Act duties.

15. Occupational Health Service

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15.1 Medical advice from the School's Occupational Health Service Provider should be sought at an early stage, but a referral to Occupational Health should not be automatic.

A referral to Occupational Health should be undertaken where more information and advice on the situation affecting the Employee's ability to work effectively and efficiently is being sought. For clarification, any final decisions will be a management
decision.

Where there is uncertainty about an Employee's fitness to attend meetings, Occupational Health advice will be sought. Occupational Health advice will inform management decisions. Where there is apparent conflict between medical opinions, management will consider all available evidence, seek clarification as needed, and decide on next steps in line with legal duties and this Policy.

15.2 If the reason for the absence is work-related stress or related to back problems and there has been 2 weeks continuous absence, a referral to Occupational Health should be undertaken immediately.

15.3 The Head Teacher (or designated person) **must** inform the Employee that they are being referred in writing, informing them of the reason for the reason for the referral. and should provide the Employee with a copy of the referral that has been sent to Occupational Health

15.4 For more complex cases, the Head Teacher (or nominated person) should consult the School's HR Advisory Service or the School's HR provider prior to an Employee being referred, fully explaining the reasons for referral and making available a copy of the Employee's job description and sickness absence record.

Employees may propose topics for inclusion in the Occupational Health referral (for example, adjustments, phased return, or prognosis). The manager retains responsibility for the final referral content.

Note: The referral is a management document, although this can be shared on request with the Employee, it cannot be amended by the Employee.

15.5 Occupational Health advice is advisory only. All decisions regarding employment, including progression through this Policy, remain management decisions informed by medical evidence and organisational requirements.

15.6 Sources of additional support for Employees can be found at **Appendix 4.**

16. Short-Term Absence

Frequent short-term absences may indicate poor health, which may require further medical examination by a Doctor or Occupational Health. It is good practice for the designated person to hold a return-to-work discussion with an Employee to explore the reasons for the absence(s) and to update the Employee on work issues.

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The Employee should complete the Return-to-Work Form **(Appendix 3),** which will also act as the self-certification for the first seven days or less of the Employee's sickness absence.

17. Long-Term Absence

17.1 Sickness absence of four weeks or more is generally considered to be long-term absence. Individuals may be absent on Long-Term Sick Leave for a variety of reasons and any action taken should be appropriate according to the circumstances of the case. Mayesbrook Park takes a sympathetic view of genuine cases of Long-Term Ill Health and will provide a supportive approach in all circumstances. This may constitute Counselling, a Referral to Occupational Health or other means of support. The Employee should complete the Return-to-Work Form, which will also act as the Self-Certification for the first seven days of the Employee's sickness absence.

17.2 Mayesbrook Park will maintain reasonable and sensitive telephone contact with Employees who are absent from work owing to illness in accordance with section 14 below. This contact is intended to be constructive and supportive to the Employee's recovery and return to work.

17.3 The Employee may be requested to contact their General Practitioner or Hospital Consultant to establish the likely length of absence and the long-term effect on the Employee's capability in relation to the job and attendance at work. Any cost incurred by the Employee in so doing will be re-imbursed by the Employer.

Following consultation with the Employee and their Trade Union or other such Representative and taking account of the report of the Occupational Health Officer, the designated person will thoroughly explore and fully consider and arrange for all possible and appropriate means of support, including reasonable adjustments. If necessary, consideration will be given to providing redeployment for Employees who are deemed disabled under the Equality act 2010.

17.4 Long Term Absences should be formally reviewed at 4 weeks, 8 weeks, and 12 weeks, with consideration of an Occupational Health referral and reasonable adjustments.

17.4 Return-to-work planning should begin as early as possible during long-term absence and should not be delayed until formal stages are reached. This may include early discussion of phased return options, temporary adjustments or support mechanisms, informed by Occupational Health advice where appropriate.

18. Contacting Employees Who Are at Home on Sick Leave

18.1 Employees who have followed the Absence Reporting Procedure for Short-Term sickness absence will not be contacted at home unless the Head Teacher (or designated person) can demonstrate urgent or extraordinary circumstances justifying the contact. Contact will in no circumstances be intrusive and on no account will absent Employees be directed to set work for classes, prepare reports or undertake any other work when they are absent because of ill-health. Similarly, there should be no expectation that elements of work (e.g., marking and assessment) undertaken by those covering the sick Employee's absence will be left for the Employee to complete following a Return To Work.

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18.2 Home Visits will only be undertaken by mutual consent. Where a Home Visit is to be carried out it will be done in a sensitive and supportive manner by the Head Teacher and one other Colleague or Trade Union Representative. If the Employee is unable to accommodate the Home Visit, a meeting may be convened in the Employee's absence; as per normal a Representative can be sent in their absence.

Any home visit must be subject to a risk assessment and comply with the School's lone working and safeguarding arrangements.

18.3 In cases of Long-Term sickness absence, the frequency of contact and a suitable procedure should be discussed with the Employee and/or relevant Trade Union Representative.

18.4 Staff should not be required to provide daily contact to state their absence where a fit- note or other medical certificate covers them for a period of absence.

19. Absences Arising from Accidents, Injury or Assault at Work

For the purposes of this Policy, any assessment of whether an incident is treated as an industrial injury is undertaken solely for internal employment purposes, including absence recording and entitlement to occupational sick pay or industrial injury allowance.

This internal assessment does not determine whether an injury meets any statutory or external definition, including those applied by the Department for Work and Pensions, insurers, regulatory authorities, or reporting requirements under Health and Safety legislation.

Under "Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)", employers have a legal duty to record:

- Accidents
- Incidents e.g. Verbal or Physical Assaults
- Dangerous Occurrence
- Occupational Disease

Employees must complete an Accident/Incident Report Form immediately or as soon as possible (within 2 weeks) following the incident. The information will be used to review working practices where appropriate and avoid similar occurrences in the future.

Head Teachers/Managers must ensure that a Report Form is completed, and the appropriate action is taken in response to an incident.

Further guidance on reporting and investigating accidents and incidents is available from Health and Safety.

Cases of staff absence due to accident, injury or assault at work should be handled sensitively. It may be appropriate to encourage the Employee to involve their Trade Union representative or if already known to yourself, for you to approach them directly.

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During the period that an Employee is absent due to an accident, injury or assault that occurred at work, it is important for Head Teachers/Managers to remain in contact with the Employee and follow the Sickness Absence Policy.

This could include, arranging a duty of care or exploratory meeting to ascertain more information regarding the exact cause of the absence, Referral to Occupational Health, discussing and implementing appropriate support strategies.

Absence relating to industrial injury remains subject to active management. Although such absence may be treated separately for the purposes of contractual sick pay and absence categorisation, this does not prevent the Employer from maintaining appropriate contact, obtaining medical and occupational health advice, holding welfare or review meetings, monitoring patterns of absence, or taking reasonable management action in accordance with this Policy and other relevant procedures.

19.1 Investigating Accidents and Incidents

The Head Teacher (or designated person), taking advice from the Health and Safety Advisers where necessary, will assess if the circumstances arising from an incident should be treated as an industrial injury, i.e.:

- consider how the accident or incident occurred
- obtain information from any witnesses
- investigate working practices or systems of work including risk assessment
- seek advice and guidance from the Council's Health and Safety Adviser and Insurers
- involve the local Health and Safety representatives
- consider the Department of Works and Pensions (DWP) assessment.

for the purposes of determining entitlement to industrial injury sick pay / allowance and associated absence recording, the Head Teacher (or designated person) must be satisfied, based on the evidence available, that:

- the injury, disease, or condition is more likely than not to have arisen out of or in the course of the Employee's employment;
- the Employee suffered an injury or contracted a disease linked to that incident;
- the Employee is unable to work as a result of that injury or disease;
- appropriate reporting, investigation and evidence gathering has taken place, including completion of an Accident/Incident Report Form, witness information where available, and advice from Health and Safety and/or Occupational Health where appropriate.

Where evidence indicates that an Employee's conduct, negligence, or failure to follow procedure contributed to the circumstances of the incident, this will not automatically prevent the incident from being treated as an industrial injury for classification purposes. However, such matters may be taken into account separately when determining entitlement to occupational sick pay / industrial injury allowance and may also be considered under relevant conduct or disciplinary procedures where appropriate.

Where there is uncertainty as to whether an injury or accident should be classified as an Industrial Injury, the Head Teacher (or designated person) should contact the Health and Safety Adviser for advice.

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19.2 Entitlement to Industrial Injury Sick Pay / Allowance

Entitlement to industrial injury sick pay or allowance is a contractual matter to be determined under this policy and relevant national terms and conditions of service.

In determining entitlement, the Employer will consider all relevant evidence, including the circumstances of the incident, compliance with reporting procedures, findings of any Health and Safety investigation, Occupational Health advice, and any management review.

Decisions will be made fairly, based on the available evidence, and in accordance with the principles of this policy. Employees will be informed of the outcome and any right of review or appeal where applicable.

19.3 Teaching Staff

As set out in the Burgundy Book: In the case of absence due to accident, injury or assault attested by an approved Medical Practitioner to have arisen out of and in the course of the teacher's employment, including attendance for instruction at physical training or other classes organised or approved by the Employer or participation in any extra-curricular or voluntary activity connected with the School, full pay of up to 6 months shall be allowed and this does not count towards their sick pay entitlement, which commences at the end of this period.

19.4 Support Staff

As set out in the Green Book: Sickness Absence in respect of normal sickness is entirely separate from absence through industrial disease, accident or assault arising out of or in the course of employment with a local authority. Periods of absence in respect of one shall not be set off against the other for the purpose of calculating entitlements under the scheme.

Note: Health & Safety expectations, including any dress code and PPE requirements, are set out in the School's H&S Policy and Code of Conduct.

When an Employee disregards dressing appropriately or any dress code or appropriate behaviour and it contributes to an accident at work, it can be a serious issue. For clarity the primary responsibility for health and safety in the workplace lies with employers. They are required to ensure, as far as reasonably practicable, the health, safety, and welfare of their Employees and others who might be affected by their activities. This responsibility is outlined under the Health and Safety at Work etc. Act 1974 (HSWA); the key points of the HSWA include:

1. **Employer Duties**: Employers must provide a safe working environment, safe equipment, and adequate training and supervision.
2. **Employee Duties**: Employees also have a duty to take care of their own health and safety and that of others, and to cooperate with their Employers in health and safety matters.
3. **Health and Safety Executive (HSE)**: This body enforces the Act and provides guidance and support to ensure compliance.

Remember: For safety reasons or staff are advised that some clothing/footwear is inappropriate, please take note as violating it can lead to accidents and injuries, which we wish to avoid.

In such cases, there may be consequences to ensure that safety protocols are followed.

Employers and Employees need to be accountable for their actions, especially if their behaviours lead to an unsafe work environment.

For clarity, it is important to ensure that any consequences are fair and consistent with the School's/Academies/LBBD's/Trust Policies. This might include disciplinary action/s.

The objective of Health and Safety is to prevent future incidents. This might involve reviewing and reinforcing the Dress Code Policy, providing additional training, or improving communication about safety expectations. The aim is to maintain a safe and productive work environment.

20. Purpose of a Phased Return to Work

A phased return helps an employee gradually regain their capacity and confidence after sickness absence. It provides a safe, structured transition back to full duties, and the employee must be well enough to be at work.

Key purposes include:

- Supporting wellbeing by allowing a supported return.
- Reducing the risk of relapse or further absence.
- Allowing Short-Term adjustments such as reduced hours, temporary duty changes or altered working times.
- Enabling an earlier but still safe return, with the aim of progressing to full duties.
- Providing time for the School and Employee to review progress and agree any short-term adjustments.
- Creating a shared understanding of expectations based on medical or Occupational Health advice.

What a Phased Return Should Not Be Used For

A phased return is a temporary, health-related adjustment and must only support recovery following sickness.

It should not be used to:

- Replace or delay performance, conduct or attendance procedures.
- Create long-term or permanent changes to hours or duties.
- Provide ongoing flexibility for reasons unrelated to health (e.g., preference for shorter days).
- Substitute for reasonable adjustments under the Equality Act.
- Facilitate a return without medical advice or when the employee is still unfit.
- Guarantee reduced workload or preferential duties—OH recommendations are advisory and must be balanced with School needs. [OH Informa...-June 2024 | PDF]

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- Continue indefinitely; the employee must either return to full duties or move to an agreed alternative arrangement.

21. Stage One – Informal

21.1 An informal Stage One meeting may be conducted:

i. after an absence where the cause has not previously been reported to the Head Teacher (or designated person) to establish the reason for and cause of absence;

ii. if the Employee has been absent for 7 days or has had three periods within a rolling twelve-month period or any pattern of absence that causes concern;

In instances when absences are 3 periods, 1 day per period, discretion should be used before arranging a stage one informal meeting, as the approach to managing sickness absence should be supportive.

21.2 The meeting will be an opportunity for the Head Teacher (or designated person):

- to ensure that the Employee is fit to be at or return to work,
- to alleviate any concerns the Employee may have,
- to ascertain whether the absence(s) is/are work-related and
- to determine whether the Employee can be offered any support.

The meeting may therefore be used to discuss and agree what action or support could be of assistance to the Employee. If a medical certificate has been issued, it will be checked and then sent to the appropriate administrator. The meeting will also be used to inform the Employee of the next steps.

21.3 Employees suffering from conditions of an intimate nature may choose to discuss sensitive health issues with a person of the same gender or an alternative appropriate person, the identity of whom will be agreed between the Employee and the designated person. Intimate details of the illness do not need to be disclosed.

21.4 Consideration should be given as to whether a referral to Occupational Health is required to obtain a report and advice on problems or difficulties which are or may be affecting an individual's ability to work effectively and/or efficiently. If a referral is thought to be necessary, a Stage One Review meeting should be arranged to discuss the contents of the report.

21.5 The Employee must be given **a minimum of 5 working days (excluding School Closure Periods)** written notice of the meeting. They should also be informed that they can be accompanied by a Trade Union Representative or Work Colleague of their choice.

21.6 The actions of the informal meeting must be confirmed in writing to the Employee and their trade union representative **within five working days (excluding school closure periods)**.

Outcomes of Stage One

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21.7 A **monitoring period** may be set for the Employee, which will normally be for no more than six months (excluding school closure periods) from the date of the informal meeting (depending on the circumstances of the case).

21.8 A target should be set for a reduction in the level of the Employee's sickness absence and/ or a return-to-work Date Set (in cases of Long-term absence).

21.9 The Employee should be informed that if they fail to maintain the level of absence agreed or do not return-to-work within the monitoring period, a Stage One review or Stage Two (formal) sickness absence meeting may be arranged depending on the level of absence.

21.10 During the Monitoring Period, if the Employee Returns To Work, no further procedural meetings will be necessary. However, the Head Teacher (or designated person) should still conduct a Return-To-Work Meeting to discuss arrangements and ensure appropriate support is in place.

At this meeting, the Employee should be informed that no further action will be taken, provided satisfactory attendance levels are maintained. They should also be advised that any further episodes of sickness absence within a 12-month period may result in a Stage One informal review meeting, depending on the level of absence. If concerns persist, this could escalate to Stage Two of the procedure, in which case a referral to Occupational Health for advice will be made prior to the Stage Two meeting.

21.11 No further action shall be taken under the stages of this Sickness Policy, if satisfactory attendance levels are maintained.

22. Stage One Review – Informal

22.1 An informal Stage One Review meeting may be conducted:

- On receipt of an Occupational Health Report requested as part of Stage One of the Policy
- Where the Employee fails to maintain the level of absence agreed or does not return-to-work within the monitoring period

22.2 The same process as detailed at **21.2-21.6** above should be followed.

Outcomes of Stage One Review Meeting

22.3 **A further monitoring period** may be set for the Employee, which will normally be for no more than six months (excluding school closure periods) from the date of the informal meeting (depending on the circumstances of the case).

22.4 **A target** should be set for a reduction in the level of the Employee's sickness absence and/ **or a return-to-work date Set** (in cases of Long-Term absence).

22.5 The Employee should be informed that if they fail to maintain the level of absence agreed or do not return-to-work within the monitoring period, a Stage Two (formal) sickness absence meeting may be arranged depending on the level of absence.

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22.6 During the monitoring period, if the Employee returns to work, no further procedural meetings will be necessary. However, the Head Teacher (or designated person) should still conduct a return-to-work meeting to discuss arrangements and ensure appropriate support is in place.

If concerns persist, this could escalate to Stage Two of the Policy, in which case a referral to Occupational Health for advice will be made prior to the Stage Two meeting.

22.7 No further action shall be taken under the stages of this Sickness Policy, if satisfactory attendance levels are maintained.

23. Stage Two – Formal

23.1 The Head Teacher (or designated person) should use their discretion in deciding when it is reasonable and justified to invoke the formal procedure rather than automatically applying trigger points in relation to an Employee's frequent sickness absence. Matters such as a previous medical condition, circumstances associated with the Employee's post and/or working conditions, or medical conditions that are unlikely to recur (e.g. fractures of limbs) will be considered before invoking formal procedures. Each case will be considered on a case-by-case basis and in accordance with the School's Sickness Absence Policy.

Absences that relate to leave or reasons other than Sickness (e.g. attending medical appointments) will be disregarded for the purposes of the formal procedure. Where an Employee has absences due to an injury at work, advice from the Schools HR Advisory Service must be sought in all cases.

23.2 Considering the above, if the Employee's level of sickness absence still gives cause for concern, which may include failing to return to work within the monitoring period or failure to meet the targets set, a Stage Two (formal) meeting may be arranged following receipt of further medical evidence and/or Occupational Health advice.

23.3 The Employee should be given **a minimum of 5 working days (excluding school closure periods)** written notice of the meeting and be informed of the right to be accompanied/represented by a Trade Union Representative or Work Colleague.

23.4 The Stage Two Formal meeting will explore in more detail any further medical evidence and the reasons for the absence(s) and, if necessary and appropriate, further action will be taken by the designated person to improve the Employee's attendance or wellbeing. Again, reasonable adjustments and support mechanisms should be discussed. The designated person will put their observations about any apparent pattern of absence to the Employee directly so that the Employee can provide an explanation and will seek, in conjunction with the Employee, to identify ways in which the Employer could assist them to improve future attendance and to set reasonable targets.

23.5 Employees suffering from conditions of an intimate nature may choose to discuss sensitive health issues with a person of the same gender or an alternative appropriate person, the identity of whom will be agreed between the Employee and the designated person. Intimate details of the illness do not need to be disclosed, although decisions will be taken on the information available.

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23.6 If there are any reasonable grounds for concluding that the Employee's absence was not genuinely for the reason given, the Head Teacher (or designated person) will put the evidence to the Employee directly so that they can respond and provide an explanation. If any further action is required, this would normally be undertaken in accordance with the Disciplinary Policy.

23.7 A record of the stage two formal meeting will be made detailing the discussion, date of and reason for absence and outcome and confirmed in writing to the Employee and their trade union representative (if in attendance) **within 5 working days (excluding school closure periods)**.

Outcomes of Stage Two

23.8 **A monitoring period** may be set for the Employee, which will normally be for no more than Three months (excluding school closure periods) from the date of the formal meeting *(depending on the circumstances of the case)*.

23.9 **A target** should be set for a reduction in the level of the Employee's Sickness Absence and/ or a return-to-work Date Set (in cases of Long-Term absence).

23.10 The Employee should be informed that if they fail to maintain the level of absence agreed or do not return-to-work within the monitoring period, a Stage Two Review or Stage Three – Governing Body Dismissal Panel Hearing may be arranged depending on the level of absence.

23.11 During the monitoring period, if the Employee Returns To Work, no further procedural meetings will be necessary. However, the Head Teacher (or designated person) should still conduct a return-to-work meeting to discuss arrangements and ensure appropriate support is in place.

If concerns persist, this could escalate to Stage Three of the Policy, in which case a referral to Occupational Health for advice will be made prior to the Stage Three-Governing Body Dismissal Panel Hearing.

23.12 No further action shall be taken under the stages of this Sickness Absence Policy, if satisfactory attendance levels are maintained.

24. Stage Two Review – Formal

24.1 A formal Stage Two Review Meeting may be conducted:

- On receipt of an Occupational Health Report requested as part of Stage Two of the Policy
- Where the Employee fails to maintain the level of absence agreed or does not return-to-work on the agreed date

24.2 The same process as detailed at **23.3 - 23.7** above should be followed.

Outcomes of Stage Two Review Meeting

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24.3 A **further monitoring period** may be set for the Employee, which will normally be for no more than three months (excluding School Closure Periods) from the date of the formal meeting (depending on the circumstances of the case).

24.4 **A target** should be set for a reduction in the level of the Employee's Sickness Absence and/ or a return-to-work date Set (in cases of Long-Term absence).

24.5 The Employee should be informed that if they fail to maintain the level of absence agreed or do not return-to-work within the monitoring period, a further Stage Two Review meeting may be arranged depending on the level of absence.

24.6 They should also be advised that if concerns persist, this could escalate to Stage Three of the procedure, in which case a referral to Occupational Health for advice will be made prior to the Stage Three – Governing Body Dismissal Panel Hearing.

24.7 During the monitoring period, if the Employee Returns To Work, no further procedural meetings will be necessary. However, the Head Teacher (or designated person) should still conduct a return-to-work meeting to discuss arrangements and ensure appropriate support is in place.

24.8 No further action shall be taken under the stages of this Schools Sickness Absence Policy, if satisfactory attendance levels are maintained.

25. Clarification on Progression to Stage Three

25.1 To ensure a fair, consistent, and supportive approach to managing sickness absence, Stage Two of the School's Sickness Absence Procedure must always be completed before any progression to Stage Three. This process includes a Stage Two formal meeting, followed by a Stage Two Review Meeting, which together conclude the Stage Two process.

25.2 A referral to Occupational Health is a required part of Stage Two. This ensures that decisions are informed by professional medical advice and that any underlying health conditions, including those that may constitute a disability under the Equality Act 2010, are properly considered.

25.3 Progression to Stage Three should only occur once Stage Two has been fully completed and documented, and where the Employee's attendance has not improved or agreed targets have not been met.

25.4 This structured approach ensures that Employees are given every opportunity to improve their attendance with appropriate support, and that any further action is taken with due consideration, fairness, and in line with legal and procedural obligations.

26. Stage Three – Governing Body Dismissal Panel Hearing

26.1 If the Employee's Sickness Absence has not improved sufficiently, the Head Teacher (or designated person) should ensure that:

(a) adequate medical advice, including a further Occupational Health Report, has been obtained about the Employee's condition, likely prognosis and any

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support mechanisms or reasonable adjustments that could facilitate a return to work;

(b) **Appendix 1** has been considered fully if an Employee has a health condition that is identified as being a disability;

(c) a recent opportunity has been given to the Employee to give their own view on their health in relation to their employment capability;

(d) the Employee has been sufficiently consulted about their health condition/s and prospects in the context of their needs and those of the service, including a discussion of the possibility of dismissal if appropriate;

(e) the length of the period of sickness absence has been considered, along with the Employee's length of service and employment record;

(f) offers of Redeployment have been considered (if recommended by Occupational Health as appropriate);

(g) appropriate investigations have been made into all aspects of the matter which may be relevant to a potential decision to dismiss; and

(h) the Employee has had the opportunity to involve their Trade Union Representative throughout the proceedings if they so wish.

26.2 To preserve impartiality and comply with natural justice, Governors who may later sit on a Dismissal or Appeal Panel must not have prior involvement in the case or access to case materials before the hearing has been arranged.

26.3 Taking account of the above at the end of a second stage formal monitoring period, the Head Teacher (or designated person) may consider that the Employee has a permanent condition and therefore is unlikely to be fit to perform the duties of their role or may not be fit to meet any targets set. If either is the case the Employee should be informed that any further sickness absences may lead to a recommendation to the Governing Body for dismissal on the Grounds of Ill-Health Capability. In such circumstances, the Employee should be given time to consult their GP or relevant Medical Practitioner and Trade Union Representative before giving a considered response. In addition, advice should be sought from Occupational Health for up-to-date information on the Employee's health condition.

26.4 All parties involved in the School's Sickness Absence Procedure are required to treat all cases of Employee's absence due to illness in a fair, consistent and constructive manner. No Employee will be dismissed on Grounds of Sickness Absence without due warning and without recourse to the School's Sickness Absence Policy.

26.5 After full consideration of the case without resolution, the Head Teacher (or designated person) may refer the case to the appropriate Governing Body Panel in line with the School's Sickness Absence Policy and as set out in **Appendix 5**.

26.6 The Employee should be informed that the Head Teacher (or designated person) may convene a Governing Body Ill-Health Dismissal Panel and that the outcome of

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the Governing Body Panel deliberations may be that the Employee is dismissed with notice on Ill-Health Grounds.

26.7 Regardless of the outcome, Employees should be reminded of available support services, including Occupational Health and, where applicable, the Employee Assistance Programme.

Note: The above procedure is simplified where ill-health retirement is granted, although the decision to dismiss is a management decision (and not a medical one).

This Policy will be regularly reviewed after agreement to ensure that it is being implemented as expected.

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APPENDIX 1 - Reasonable Adjustments Under The Equality Act 2010

From 1 October 2010, the Equality Act 2010 replaced and repealed most of the Disability Discrimination Act (DDA). The Equality Act prohibits discrimination against people with the protected characteristics that are specified in section 4 of the Act.

Disability is one of the specified protected characteristics. Under the Act, an employer has a duty to make reasonable adjustments for disabled Employees. This Section will consider this.

Principles

- A person has a disability within the meaning of the Equality Act if they have a physical or mental impairment, which has a substantial and long-term adverse effect on their ability to carry out normal day to day activities. For the purpose of the Act, "substantial" means more than minor or trivial. "Long-term" means that it has lasted at least 12 months, it is likely to last at least 12 months, or it is likely to last for the rest of the life of that person. It should be noted that staff who have had a disability in the past and meet this definition are also covered by the Act.

- The Equality Act continued to make it unlawful for the Council and Schools to treat a disabled person less favourably because of their disability. It is also illegal for a Policy or procedure to impact unfairly on someone due to their disability. In such situations, as it is indirect, we may have a defence to that treatment if it can be objectively justified. Advice should be sought in such situations. It should also be noted that the Act protects staff from disability discrimination should they be treated less favourably because of their association with a disabled person.

- Dismissal, including compulsory early retirement, of a disabled person for a reason relating to their disability would need to be justified by good reason and the reason(s) for it would have to be one(s) which could not be removed by any reasonable adjustment(s). In summary, it would be justifiable to terminate the employment of an Employee whose disability makes it impossible for them to continue to perform the main functions of their job if an adjustment, (such as a move to a vacant post elsewhere in the School/Local Authority), is not practicable or otherwise not reasonable for the School to have to make.

- If the School (as represented by its Head Teacher and Governing Body) knows or could reasonably be expected to know that a person has a disability, it is under a duty to consider what reasonable adjustments could be made to the workplace or the way the work is done to resolve any difficulties the disabled person faces in doing their existing job.

- As the School can be reasonably expected to know that a person has a disability, the Head Teacher (or designated person) needs to consider and be sensitive to the possibility that an Employee's period of sickness may be caused by a disability. This is particularly true in respect of possible psychological conditions including depression, which may result in periods of absence (combined possibly with poor work as a result of lack of concentration), and which an Employee may be reluctant to disclose or discuss with the Head Teacher (or designated person). Such situations need to be approached with sensitivity.

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- The nature of the reasonable adjustments which must be considered will depend on the circumstances of each case. Where no reasonable adjustments would overcome a particular disability to enable the disabled person to continue with their existing job, reasonable adjustments could include:

  - Transferring the Employee to a suitable alternative post. (The duty to make reasonable adjustments is a continuing one and thus applies to alternative posts as well)
  - Provisions made to assist a gradual return to full-time hours or, for example, a change to part-time hours.
  - Additional training may be necessary to enable the Employee to take on the new post.
  - If it is viewed as appropriate, the Employee may be asked to contact Access to Work for support for reasonable adjustments. If this is the case, it will be the Employee's responsibility to do so.

Process

1. Where an Employee has breached the absence triggers because of any informal or formal meetings and the Head Teacher (or designated person) has reason to believe that any or all of the periods of absence may be due to an actual or perceived disability as defined under the Equality Act 2010, they must be referred to the Occupational Health (OH). The existence of such a condition may in any event be revealed by simple and sympathetic investigation with the Employee about the reason for their absence. The Head Teacher (or designated person), in conjunction with the Schools HR Advisory Service (or your alternate Provider), should seek advice from the OH as to the Employee's ability to do their work and any limitations on their capabilities that may need to be taken into account in considering what reasonable adjustments to the individual's work it may be practicable to make.

2. If it is confirmed (by the OH or otherwise) that there is a health condition which is defined or classified as a disability under the Act, the Head Teacher (or designated person) should ensure that records of any subsequent periods of absence indicate whether the absence is due to their disability or for any other reason.

3. Where periods of absence are due to a disability the Head Teacher (or designated person) has a duty, as part of the informal and formal meeting process, to consider what reasonable adjustments can be made to the Employee's workplace or to the work they are doing, which would overcome these effects. The Employee should be consulted as to their needs. The Head Teacher (or designated person) must ensure that any considerations, which are given to reasonable adjustments, including details of any consultations with the Employee, are properly noted.

4. The reasons for making any adjustments or why the particular adjustments are not considered practicable must also be noted, whether such considerations take place within meetings, with the member of staff or afterwards.

5. Copies of the notes of the contents of meetings should be supplied to the Employee for their agreement or otherwise. They should be advised that if they disagree with the accuracy of the notes, they should set out their disagreement in writing and

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confirm how/what they should be corrected to accurately reflect the contents of the meeting.

6. Where periods of absence are unrelated to a disability condition covered under the Equality Act, the normal procedures set out in this Policy will apply.

7. Where periods of absence are due to a mixture of conditions classified as a disability and non-disability under the Act, the appropriate action should be taken in relation to the health condition classified as a disability, as outlined in this Appendix.

8. Prior to any consideration of dismissal, attention must have been given to the obligations under the Equality Act towards the disabled Employee. In particular, it is only after consideration has been given to make reasonable adjustments to the Employee's existing job and there are no alternative jobs available (which again should be considered in light of any reasonable adjustments which may be made to the role to make it suitable to the disabled Employee) that termination can properly take place. The decision to dismiss will have to be justified by good reasons. It may be that their employment contract is reviewed, the time limit should be varied to allow for such detailed consideration to have taken place (this would be seen as a reasonable adjustment). Equally, where a disabled Employee meets the requirements for Ill-Health Early Retirement or Redeployment the dismissal would have to be justified and the reason for it would have to be one, which could not be removed by any adjustment.

9. When all reasonable adjustments and alternative options have been explored dismissal on grounds of ill health or 'some other substantial reason' will be considered. Before any decision to dismiss can be taken advice from both legal and human resources must be sought.

10. Termination of employment will be with contractual notice.

11. Similarly, where an Employee meets the criteria, as medically assessed, for ill-health early retirement or ill-health redeployment, due regard must be given to the obligations under the Equality Act.

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APPENDIX 2: Schools Workplace Adjustments Passport

Schools Workplace Adjustments Passport

The Workplace Adjustments Passport is used to record agreed adjustments for an Employee with a disability, including any support provided through Access to Work.

When the Passport should be used

The Passport should be completed or reviewed when:

- a new Employee requests adjustments, so support can be in place from their start date or as soon as practicable;
- an Employee requests adjustments or a review of existing support, for example if current arrangements are no longer effective;
- an Employee asks for additional support to be put in place;
- changes to the work location or environment occur (including Flexible or Home Working and IT systems).

How the Passport supports discussions

The Passport helps guide discussions between the Head Teacher/Manager (or designated person) and the Employee, and records:

1. The reason the adjustments are requested and how they will support the Employee to carry out their duties.
2. The adjustments agreed, how they will be provided, when and by whom.
3. The review arrangements to ensure support remains effective.
4. Any issues or delays in implementing adjustments, including what alternatives have been considered.
5. What has been jointly agreed between the Head Teacher/Manager (or designated person) and the Employee.

The Head Teacher/Manager (or designated person) and Employee should agree what information is recorded on the Passport.

Copies and storage

The Employee should be given a copy of the completed Passport.
A copy must also be sent to the HR Service Desk for the personnel file, and—where the School buys into the service—sent to the Schools HR Advisory Service at schoolshradvisoryteam@lbbd.gov.uk

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Employee Name:		**Employee / Pay Number:**	
School Name:			
Head Teacher/Manager (or designated person):		**Signature:**	

1. What support or changes will enable the Employee to carry out their duties or to work flexible, including working from home?

Note: Please remember to check whether special software packages (e.g., *Jaws or Dragon*, etc.) are compatible with the School's IT operating systems.

2. Is the Employee already in receipt of support from Access to Work (ATW)?	Yes	
	No	

If yes, please detail what support is being provided and when is this due to be reviewed?

Please include the ATW adviser's name and contact details:	

3. Is the Employee already in receipt of any other reasonable adjustments or support e.g. flexible working, IT equipment/ software (*Jaws or Dragon*), Chairs and Furniture?	Yes	
	No	

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If yes, please detail what support is being provided and when is this due to be reviewed?		
4. Does the Employee need an assessment by Access to Work (ATW)	Yes	
	No	

If yes, the Employees hould contact ATW at:

https://www.gov.uk/access-to-work
https://www.gov.uk/access-to-work/apply

Access to Work helpline - Monday to Friday, 9am to 5pm

Telephone: 0800 121 7479 / Textphone: 0800 121 7579
NGT text relay https://www.relayuk.bt.com/ (if you cannot hear or speak on the phone): 18001 then 0800 121 7479

Employees can also apply by phoning Jobcentre Plus on: Telephone: 0800 121 7479 / Textphone: 0800 121 7579

Note:

i. Head Teacher/Manager (or designated person) should contact ATW to see what financial support may be available before purchasing equipment; it is also important to check with your internal ICT or your Provider that any recommended IT Equipment / Software Packages are compatible with the School systems.

See Workplace Adjustments process and Access to Work on the Accessible Workplaces information please below.

ii. Note: Any equipment bought through ATW remains the property of the purchaser.

5. Does the Employee need a Personal Emergency Evacuation Plan (PEEP)? See the guidance and questionnaire attached	Yes	
	No	
If yes, please detail what emergency arrangements have been agreed and when this is due:		

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6. Please detail what Reasonable Adjustments have been agreed and when these will be reviewed:
7. Any other comments:
Date:
Signed (Employee):
Signed (Head Teacher/Manager (or designated person)):

Please forward a copy of the completed form to the HR Service Desk to go onto the Employee's personnel file at:
https://schoolshrservicedesk.lbbd.gov.uk/support/home

Notes: This may include dates of ATW assessments or when equipment is ordered etc.

Access to Work (ATW) Support Details

Support Received	**Describe the support provided through Access to Work.**
Review Dates	**Enter the dates when the support was or will be reviewed.**
Access to Work Adviser Contact Information	**Name, phone number, and email of the adviser.**
Assessment Needs	**Details of any assessments carried out or required.**
Additional Notes	**Any other relevant information.**

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Accessible Workplaces

We want to ensure that our workspaces are fully accessible and to remove any barriers for Employees who have a Disability or Medical Condition.

The Council is an accredited Disability Confident Employer and one of our key commitments is to support Employees to manage their disabilities and health conditions.

This includes raising awareness of workplace accessibility issues and providing reasonable adjustments.

Employees should raise and discuss any support needs with their Head Teacher/Manager (or designated person) as soon as possible. We provide a Workplace Adjustments Work Passport which will help with the discussion and where Head Teacher/Manager (or designated person)s can record any adjustments or support discussed and agreed with Employees.

Head Teachers//Managers (or designated person)s will follow the Council's/School's process for agreeing or providing the adjustments or support that is needed. This includes any agreed through the Access to Work national scheme, (see important notice below), which provides advice and support to disabled people in, or about to start work.

Head Teachers/Managers (or Designated Persons) Responsibilities

Head Teachers/Managers (or Designated Persons) must:

- be aware of disability and access issues in the delivery of services and when managing staff
- ensure information is available in accessible formats
- discuss any requests for Workplace Adjustments with the Employee as soon as possible
- keep a record of what is agreed with the Employee (using the Workplace Adjustments Passport)
- Review Workplace Adjustment Regularly with the Employee.
- Make arrangements to claim back the government's equipment contribution if costs exceed £1000. See guidance on Access To Work
- Consider using Occupational Health for advice and referrals if delays in access the Government's ATW scheme are being experienced.

Employee's responsibilities

Employees must:

- raise and discuss any issues which impact on their work with their Head Teacher /Manager (or designated person)' as soon as possible
- consider what Reasonable Workplace Adjustments may need to be provided
- keep a record of what is agreed with the Head Teacher/Manager (or designated person) (using the Workplace Adjustments Passport)
- where additional advice and support may be required contact Access to Work and to share the Access to Work report with their Head Teacher/Manager (or designated person).
- follow or use the Workplace Adjustments which are provided

Important notice - requests for specialist chairs

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We are aware of reports of delays with Access to Work (ATW), especially when the requirement for a specialist chair has been identified.

APPENDIX 3: Return To Work (Self Certificate) Form

Return To Work (Self Certificate) Form

To be completed on the Employees first day back at work following sickness absence.

Name											
Job Title											
Normal Hours of Work	To:					From:					
Normal Days ✓	Mon		Tue		Wed		Thurs		Fri		
Sickness Absence	Start Date:		End Date:		Total Days Absent						
Sick Certificate ✓	Yes		No								

Reason for Period of Sickness Absence	
Employee's Comments: Including any support required and any medication as a result of absence	

Once this form has been completed, please pass it to your line manager

Sickness Absence Total Days/Periods Absent in the last twelve months	
Manager's Comments: **Including any support required**	

Employee's signature		Date	
Manager's signature		Date	

Guidance on Return-to-Work Meeting

Purpose:
- To find out the reasons for and, if possible, the causes of absence
- To check that the Employee is fit to return to work
- To facilitate the Employee's return to work
- To minimise the risks of any further occurrences of absence
- To advise the Employee of any further action which may be taken

Details Of Last Absence
- Total days absent should be recorded as working days (excluding School closure periods) lost
- Reason for absence will normally be available from the certificate. Please ensure that the stated reason has more details than just either sick or unwell.
- If possible, try to establish the cause of absence.
- Medical Certificate, Yes/No, to be deleted as appropriate

Absence Record Over Past 12 Months
- This section should be completed before the interview is held
- Days lost should be counted as working days (excluding school closure periods) lost
- This can be used to identify any patterns or links to previous absences with a view to find ways to reduce the likelihood of further occurrences of absence

Returning To Work
- If having returned to work and the Employee is continuing to take medication, it is his/her responsibility to check for and notify the Head Teacher of any side effects that could impact on work performance, e.g., drowsiness.
- If the medication could impact on work performance, the Employee should then declare it to their manager. If the Employee does not feel able to carry out all their normal duties immediately upon their return, the Head Teacher or designated person will need to establish what the Employee can do whether any reasonable adjustments could be made on a temporary basis to facilitate a full return to work, with the cooperation of the Employee.

Any Further Action
- Any agreed further actions should be recorded
- Inform the Employee if the absence has triggered a review meeting

Disclosure/Distribution
- Copies of the return-to-work Interview form should be held by the school and Employee and a copy sent to Human Resources to place on file.
- The form could also be used for any referral to Occupational Health or attached as part of the documentation for any review meetings
- The information contained on the form could be used for recording and/or monitoring purposes but is subject to the UK GDPR and the Data Protection Act 2018.

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APPENDIX 4: Additional Advice and Support

Occupational Health – Any Employee who falls under this procedure may find it helpful to talk to the Occupational Health Adviser. In addition, the Head Teacher and Human Resources will need specialist advice relating to the relationship between the Employee's health and work. Therefore, the Employee may be referred to the Occupational Health Service during any part of this procedure.

Counselling – The Council provides a confidential external service for staff through our Occupational Health Service.

EAP – Employee Assistance Programme – is a neutral welfare initiative available by telephone to give counselling, information, signposting and support. This is only available to schools that have bought into this service. Each School will be able to advise their Employees accordingly.

Trade Unions – The Council recognises the important role that Trade Unions have in resolving and supporting such issues and encourages Employees to approach their Representatives for support and/or representation at meetings. The recognised Trade Unions are as follows:

Non-Teaching:

- APEX GMB
- GMB
- Unison
- Unite

Teaching:

- ASCL
- NAHT
- NASUWT
- NEU

External Support for Teaching Staff – Teacher Support Line is a 24-hour, 7 day a week confidential telephone helpline for teachers. The contact number is 08000 562561.

Further information can be sought on their website: https://www.educationsupport.org.uk/

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Appendix 5: Referral to Stage Three – Governing Body Dismissal Panel Hearing

Referral to Governing Body Panel

1.1 Once the Head Teacher (or designated person) has decided to convene a Governing Body Panel this should be confirmed to the Employee in writing and a report drafted documenting the case for dismissal.

1.2 The Governing Body should set up the Panel with at least three governors. This Panel must hear the representations and recommendations brought by the Head Teacher (or designated person) to consider whether the Employee is capable on the grounds of ill-health of undertaking the duties of their role. The Panel should also consider any representations that the Employee and/or their representative may wish to make.

1.3 Where a sickness absence case is referred to the Governing Body Panel a meeting of the Panel shall be convened **within fifteen working days (excluding school closure periods)** of notification from the Head Teacher (or designated person) to consider the case.

1.4 The Employee shall be given **no less than ten school working days (excluding school closure periods)' notice** in writing, of a Stage Three – Governing Body Dismissal Panel Hearing, which will include the date, time, venue and purpose of the meeting and shall be given a copy of the report (with appendices) that recommends the Employee's dismissal. The Employee should be advised of their right to be accompanied by a trade union representative or work colleague.

1.5 The Governing Body Panel will be advised to follow a procedure for the meeting as set out below:

- The Commissioning Director Education shall appoint an appropriate officer to attend the meeting and advise the Governors on procedures and to act on their behalf as Clerk to the proceedings. The Governing Body Panel should consider this advice prior to making its decision.
- The Head Teacher (or designated person) will put the case for dismissal and shall call witnesses as necessary in the presence of the Employee and their representative.
- The Employee and/or their representative shall have the opportunity to ask questions of the Head Teacher (or designated person) or any witnesses on the evidence presented.
- The Employee or representative will put forward their case, calling witnesses and/or documentary evidence that they consider appropriate.
- The Head Teacher (or designated person) will have the opportunity to ask questions of any witness called by the Employee on the evidence presented.
- The members of the Governing Body Panel shall have the opportunity at any stage to ask questions of both parties, their representatives and

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witnesses.

- Witnesses will be asked to leave the meeting once they have given their evidence and been asked any appropriate questions.
- Before summing up either party may, in appropriate circumstances, recall and re- examine any witness. Thereupon the other party shall also have the right of re- examination.
- The Head Teacher (or designated person) will have the opportunity to sum up but must not introduce new evidence.
- The Employee, or their representative, will have the opportunity to make the final summing up but must not introduce new evidence at this stage.
- Both parties shall then withdraw, leaving the Governors to deliberate in private. The officer representing the Commissioning Director Education shall remain with the Governors to advise on procedural matters and to record their

  decisions. If there is a need to recall either side to clarify points of uncertainty then both parties will return, even if only one side is involved. Witnesses may be recalled and re-examined by the Governors in the presence of both parties.
- Where possible the decision will be indicated to both parties verbally after the meeting. The decision will be confirmed in writing as soon as possible, but **within five working days (excluding school closure periods)**.

1.6 The Panel may make one of the following decisions:

- Impose a further review period when there is information that indicates the Employee may return to work within a reasonable period;
- Offer redeployment, when alternative posts are available within the School.
- Dismiss on the Grounds of Ill-Health, in which case the normal notice period will apply and appropriate alternative employment should be considered further before the end of the notice period.

1.7 If the Employee is dismissed, then the Employee will have the right to appeal the decision.

2 Stage Four – Appeal

2.1 In the event the Employee wishes to appeal against the dismissal decision, written notice of the appeal, together with the grounds upon which the appeal is based, should be communicated to the Clerk to the Governing Body **within five working days (excluding school closure periods)** of the date of the letter confirming the dismissal.

2.2 The appeal shall be heard by the Appeals Panel of the Governing Body **within ten working days (excluding school closure periods)** wherever possible. This Panel shall normally consist of three members of the Governing Body and, in any case, of no fewer members than the Dismissing Panel. Governors involved in the Dismissal must not be involved in any appeal.

2.3 **At least ten working days' notice (excluding school closure periods)** of the date and place of the hearing will be given to the Employee, who may be

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accompanied by their Trade Union Representative or a Work Colleague.

2.4 The Appeal Hearing will follow the same procedural format as the dismissal hearing. However, the purpose of the appeal is to review the original decision, considering whether the correct process was followed, whether the decision was reasonable, and whether any new or relevant evidence has come to light.

2.5 The Appeals Panel may decide to:

- Uphold the dismissal of the Employee
- Reinstate the Employee with recommendations as appropriate.

2.6 The decision of the Appeals Panel shall be confirmed in writing to the Employee **within five working days (excluding school closure periods)**. There is no further internal right of appeal.

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Glossary of Key Terms

Term	Definition
Employer	• In Community and Voluntary-Controlled Schools, the Local Authority is the employer. • In Voluntary-Aided Schools, the Governing Body is the employer. • In Academies, the Academy Trust is the employer. References to "Employer" within this Policy should be interpreted accordingly.
Absence Trigger Points	Specific thresholds of sickness absence (e.g., 3 occasions or 7 days in 12 months) that initiate formal review procedures.
ACAS Code of Practice	Advisory, Conciliation and Arbitration Service guidelines on disciplinary and grievance procedures, which underpin fair employment practices.
Disability (Equality Act 2010)	A physical or mental impairment with a substantial and long-term negative effect on daily activities. Includes progressive conditions and hidden disabilities.
Fit Note	A medical certificate issued by a doctor to confirm an Employee's fitness for work or need for continued absence.
GDPR / Data Protection Act 2018	Legislation governing the handling of personal data, including sensitive health information.
Occupational Health (OH)	A specialist service providing medical advice on Employee's fitness for work and recommendations for adjustments.
Reasonable Adjustments	Changes to work practices, environments, or duties to support Employees with disabilities, as required under the Equality Act.
Return-to-Work Interview	A meeting held after sickness absence to discuss the cause, assess fitness to return, and identify support needs.

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