



LYDIATE
LEARNING
TRUST

Sickness Absence Policy (LLT)



LYDIATE
LEARNING
TRUST

ENGAGE, ENABLE,
EMPOWER

<i>Origination</i>	<i>Authorised by</i>	<i>Policy Date</i>	<i>Review Date</i>	<i>Page 1 of 18</i>
<i>JDA</i>	<i>LLT Board</i>	<i>Sept 25</i>	<i>Sept 26</i>	

Sickness Absence Policy(LLT)

Contents

1.	Introduction.....	3
2.	Scope and purpose	3
3.	Definitions	3
4.	Policy statement.....	3
5.	Disabilities	4
6.	Reporting sickness absence.....	4
7.	Maintaining contact	5
8.	Certification requirements	6
9.	Return to work discussions.....	6
10.	Occupational health.....	7
11.	Medical examinations	8
12.	Unauthorised absence	8
13.	Sick pay.....	8
14.	Sick leave and annual leave	9
15.	Absence triggers.....	9
16.	Managing short term absences	9
16.1	First formal meeting	10
16.2	Interim reviews	11
16.3	Second formal meeting	11
16.4	Final formal hearing.....	12
17.	Managing long term absence	13
17.1	Long term absence trigger.....	13
17.2	Keeping in touch	13
17.3	First formal meeting	14
17.4	Twelve week formal meeting.....	14
17.5	Final hearing	15
18.	Failure to attend meetings.....	16
19.	Right to be accompanied at meetings.....	16
20.	Appeals.....	16
21.	Review of policy	17
22.	Appendix 1 - Authority to act under the procedure.....	18

<i>Origination</i>	<i>Authorised by</i>	<i>Policy Date</i>	<i>Review Date</i>	<i>Page 2 of 18</i>
JDA	LLTBoard	Sept 25	Sept 26	

Sickness Absence Policy(LLT)

1. Introduction

Lydiat Learning Trust (the Trust) has a duty to deliver high-quality and value-for-money education to its learners. Fundamental to these services are the Trust employees and their attendance at work. The Trust values the contributions made by its employees and believes they should be treated fairly and given reasonable support to achieve high levels of attendance.

This policy accords with education and employment legislation, including the Employment Rights Act 1996 and the Equality Act 2010. The Trust is mindful of its obligations under the Equality Act 2010 and acknowledges that its duty to consider reasonable adjustments for employees with disabilities may occasionally result in different treatment of certain individuals to remove significant disadvantages.

This policy does not form part of any employee's contract of employment and may be amended at any time. The Trust may also vary the procedures set out in this policy, including any time limits, as appropriate in any case.

As part of the application of this policy, the Trust will collect, process, and store personal data and special categories of data in accordance with the data protection policy. The Trust will comply with the requirements of the Data Protection Legislation (being (i) the General Data Protection Regulation ((EU) 2016/679) (unless and until the GDPR is no longer directly applicable in the UK) and any national implementing laws, regulations, and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998, including the Data Protection Act 2018), in relation to how the Trust collect, hold, and share special category personal data. Records will be kept in accordance with the Workforce Privacy Notice and the Retention Policy and in line with the requirements of Data Protection Legislation.

2. Scope and purpose

This policy applies to all employees and sets out the procedures for reporting sickness absence, managing short term and long-term sickness absence in a fair and consistent manner.

The purpose of this procedure is to encourage and support employees to achieve and maintain a high level of attendance at work, promote a healthy workforce, and assist the Trust in their role by providing a clear and consistent framework for managing unsatisfactory attendance.

3. Definitions

- Short-term sickness absence - any absence that lasts between half and 20 days (four working weeks).
- Long term sickness absence - any absence that lasts for a continuous period of longer than four working weeks.
- The Chair – The Chair conducting a meeting in line with the recognised authority to act matrix, as detailed in Appendix 1. The Trust reserve the right to deviate from the recognised authority to act matrix at any time if required.

4. Policy statement

The Trust recognises that managing sickness absence can be a sensitive matter. It aims to give due

<i>Origination</i>	<i>Authorised by</i>	<i>Policy Date</i>	<i>Review Date</i>	<i>Page 3 of 18</i>
JDA	LLTBoard	Sept 25	Sept 26	

Sickness Absence Policy(LLT)

consideration to the welfare of employees, the needs of the Trust, and the impact that absence has on the effective education of learners at all times.

In particular, the Trust is committed to:

- Ensuring that the procedure is conducted in a constructive and non-discriminatory manner, taking account of individual circumstances and respecting confidentiality.
- Recording and monitoring absence effectively to assist employees to improve attendance.
- Exploring the reasons for sickness absence to understand any underlying issues.
- Identifying and seeking to address work-related causes of sickness absence.
- Dealing robustly with any identified abuses of the sickness absence system.
- Promoting the physical and mental well-being of employees.

5. Disabilities

The Trust is aware that sickness absence may result from a disability. At each stage of the sickness absence procedure, particular consideration will be given to whether there are reasonable adjustments that could be made to the requirements of a job or other aspects of working arrangements to provide support at work and/or assist a return to work.

If an employee considers that they are affected by a disability or any medical condition which affects their ability to undertake their work, they should inform their line manager or the People and Culture team.

6. Reporting sickness absence

All employees are required to follow the reporting procedure, along with any local school procedure that supports this policy. Local school procedures will align with the overarching policy, are subject to change, and will be communicated accordingly.

If an employee is unable to attend work due to sickness or injury, they must report this to their line manager or a member of the senior leadership team, or school before their normal start time on the first day of absence.

- **Central team employees** should telephone their line manager as early as possible and no later than 8:30am.
- **School-based employees** should telephone their school's employee absence line and contact their line manager on the number detailed in the local procedure as early as possible and no later than 7:30 am. Local arrangements may differ in some schools, and employees are required to follow local instructions.

In exceptional circumstances where the employee cannot contact their line manager, such as hospital admissions, emergencies, or accidents, discretion should be applied by the line manager as they see fit. In such emergency cases, the employee or a relative should inform the line manager at the earliest opportunity.

Reporting should include:

- The nature of the employees illness or injury.
- The expected length of the employees absence from work.

<i>Origination</i>	<i>Authorised by</i>	<i>Policy Date</i>	<i>Review Date</i>	<i>Page 4 of 18</i>
JDA	LLTBoard	Sept 25	Sept 26	

Sickness Absence Policy(LLT)

- Contact details. (for school based employees or where a message facility is in place).
- Any outstanding or urgent work that requires attention, including information in relation to student work that needs covering (where applicable).

Note: Contacting by text message or email is not acceptable.

If an absence continues longer than initially anticipated, the employee is expected to regularly update their line manager in the same manner, confirming the likely duration of the absence.

Employees who become unwell during the course of the working day should ensure that their line manager (or a member of the senior leadership team if the line manager is unavailable) is notified before leaving work early. Any accident or incident at work must be reported as soon as possible in accordance with health and safety procedures to ensure it is appropriately recorded and any required action is taken promptly. All absences, including part days, should be notified and recorded.

Line Managers should ensure that any sickness absence notified to them directly is reported to the school Cover Manager or to the People and Culture Team and logged appropriately on the attendance platform. Arrangements should be made, where necessary, to cover work and inform colleagues (while maintaining confidentiality).

If an employee is ill or injured during a period of pre-arranged annual leave, they may elect to treat the days of incapacity as sickness absence instead of annual leave. The employee must inform their manager of the incapacity and its likely duration as soon as possible, even if they are abroad. The usual requirements for self-certification and medical certificates in this policy will apply.

7. Maintaining contact

It is important that regular contact is maintained with employees who are absent due to sickness following the first day of absence. Employees should expect to be contacted on the first day of or during their absence by their line manager or a member of the senior leadership team.

Any contact with an employee should be handled sensitively. In cases of stress/anxiety-related absence, where formal action may have been taken, or in particularly complex situations, advice should be sought from the People and Culture Team before making contact.

Contact may be made with the employee by telephone, sending a letter, card, or email, arranging a visit to meet in person, or agreeing on a mutually convenient location.

The purpose of such contact is to:

- Provide support.
- Discuss and plan rehabilitation needs and back-to-work plans.
- Ensure reporting policies are followed so there is no loss of pay or benefits.
- Gain an up-to-date account of symptoms affecting the employee's ability to attend work.
- Help the assess the length of absence to plan cover.

The Trust recognises that there are occasions where it may be inappropriate to make direct contact with the absent employee as it may have a detrimental effect on their health and/or recovery. The Trust will consider this on a case-by-case basis and will seek advice from Occupational Health where necessary. In cases where direct contact may be inappropriate, the

<i>Origination</i>	<i>Authorised by</i>	<i>Policy Date</i>	<i>Review Date</i>	<i>Page 5 of 18</i>
JDA	LLTBoard	Sept 25	Sept 26	

Sickness Absence Policy(LLT)

Trust will maintain contact with the employee through the union representative or an alternative representative.

8. Certification requirements

For sickness absences of up to seven calendar days (five working days), the employee must complete a self-certification form. This form will be issued by email during the employee's absence or upon their return to work.

For absences of more than one calendar week (i.e., from the eighth calendar day), employees must obtain a certificate from an eligible healthcare professional (a 'Statement of Fitness for Work') stating that they are not fit for work and the reason(s) why. This should be forwarded to the line manager and/or the People and Culture Team as soon as possible. If the absence continues, further medical certificates must be provided to cover the entire period of absence.

Where the Trust is concerned about the reason for absence, or frequent short-term absences, the Trust may require a medical certificate for each absence regardless of duration.

Where an employee is absent immediately prior to a school closure period, they will continue to be deemed as being absent for the purposes of recording sickness and statutory and/or contractual sick pay during the school closure period, unless they provide a fit note indicating they are fit to return to work.

If an employee is undergoing elective or cosmetic surgery or a procedure for which they will be absent from work, any entitlement to sick pay will be subject to receipt of satisfactory medical evidence. This medical evidence must be in the form of a report from an eligible healthcare professional or specialist confirming that the procedure is being undertaken on medical advice. The employee may be required to take annual leave for any absence related to a purely elective procedure.

If an eligible healthcare professional provides a certificate stating that the employee 'may be fit for work' they should inform their line manager or a member of the senior leadership team immediately. The Trust will discuss with the employee any additional measures that may be needed to facilitate their return to work, taking account of the eligible healthcare professional's advice. This may take place at a return to work interview. If appropriate measures cannot be taken, the employee will remain on sick leave and the Trust will set a date to review the situation.

9. Return to work discussions

If an employee has been absent on sick leave, the Trust will arrange for the employee to have a return-to-work interview either on the day they return to work or as soon as possible after their return. The meeting should be conducted in a private setting. The purpose of this discussion is to:

- Welcome the employee back to work.
- Enquire about their health and reasons for absence.
- Ensure the employee is fit to resume their duties.
- Discuss any support or action that may be required, including any reasonable adjustments (e.g., phased return to work, flexible working, workplace adaptations).
- Update the employee on developments in their department / role.
- Discuss any observations and concerns (e.g., patterns of absence, frequency of absence).
- Reiterate to the employee that a high level of attendance is expected from all employees and that this will be managed fairly and sensitively.

<i>Origination</i>	<i>Authorised by</i>	<i>Policy Date</i>	<i>Review Date</i>	<i>Page 6 of 18</i>
JDA	LLTBoard	Sept 25	Sept 26	

Sickness Absence Policy(LLT)

- Where absence has reached a problematic stage, inform the employee that a formal meeting will be arranged or advise the employee that further prolonged or regular absences may result in a more formal approach being taken.
- For short-term absences of up to 7 calendar days, a self-certified form will need to be completed as part of the return-to-work meeting.
- It also gives the employee the opportunity to raise any concerns or questions the employee may have, and to bring any relevant matters to the Trust's attention.

In some instances, a member of the People and Culture Team may also be in attendance to support return-to-work meetings.

The return-to-work discussion should follow a consistent format by completing the Trust return-to-work form. It is important that this is carried out for all employees without exception, in a consistent manner, with empathy and sensitivity, and without presumption before the discussion.

The Trust is committed to helping employees return to work from long-term sickness absence. As part of the sickness absence meetings procedure, the Trust will, where appropriate and possible, support returns to work by:

- Obtaining medical advice from Occupational Health or a Doctor.
- Making reasonable adjustments to the workplace, working practices, and working hours, including a time-limited phased return to work.
- A phased return to work will often be a recommendation of an occupational health advisor or the employee's Doctor.

Employees will receive their full pay during the phased return. Phased returns to work should be for a maximum of 4 weeks. If an employee requests that the phased return be extended beyond 4 weeks, a dialogue should be held with the employee regarding a temporary contractual change to their working hours to accommodate the request, and their pay adjusted accordingly.

After returning to work from long-term sickness absence, it may be necessary to agree on continuing support through regular one-to-one meetings to review adjustments and address any further concerns the employee may have.

10. Occupational health

A referral to occupational health may be considered at any point during an employee's absence, depending on the reasons for the absence.

It may be appropriate to refer the employee to the Occupational Health Service to obtain a diagnosis of the implications of the absence and identify any appropriate support measures. Occupational health intervention can be used before any formal process in certain circumstances, e.g. stress/anxiety/depression. In certain cases a General Practitioner report(s) may be required and requested.

In determining whether Occupational Health is an appropriate course of action the following factors should be considered:

- Will this help the employee.
- Will this service help to understand more about the employee's absence.
- The overall sickness absence record.
- Any medical evidence available.

<i>Origination</i>	<i>Authorised by</i>	<i>Policy Date</i>	<i>Review Date</i>	<i>Page 7 of 18</i>
JDA	LLTBoard	Sept 25	Sept 26	

Sickness Absence Policy(LLT)

- Any mitigating factors or explanations presented by the employee.
- The short and long-term effects of the employee's illness.

The Occupational Health provider will obtain consent from the employee in accordance with their rights under the Access to Medical Reports Act 1988 which includes the right to see the report if they so wish before it is sent to the Trust and their trade union representative.

11. Medical examinations

The Trust may, at any time in operating this policy, ask the employee to attend a medical examination by the Occupational Health Department and/or a nominated Doctor.

The employee will be asked to agree that any report produced in connection with such an examination may be disclosed and discussed with the Trust advisers and the relevant Doctor.

Failure to agree to a reasonable request may result in decisions being made in the absence of any medical information. In some circumstances, disciplinary action may be taken if the employee does not cooperate with the sickness absence process.

In the event of a difference of opinion between an employee's Doctor and the Trust's occupational health advisors regarding the employee's fitness for work, functional capacity, or the existence of an underlying medical condition contributing to persistent absences, the OH advisor's advice will normally take precedence. In some cases, an independent medical advisor may be asked to provide a second opinion.

12. Unauthorised absence

Absences not reported in accordance with the sickness absence procedure, or any sick or injury-related absence without a valid medical certificate, may be deemed unauthorised and unpaid. Unauthorised absences may also result in disciplinary action.

If an employee does not report for work and has not telephoned to explain their absence in accordance with the reporting procedures, a member of the Senior Team or People and Culture team will attempt to contact the employee, by telephone and in writing if necessary. This should not be considered a substitute for reporting sickness absence.

13. Sick pay

Employees should refer to their contract for details of the sick pay to which they are entitled.

If a period of sickness absence is, or appears to be, occasioned by actionable negligence, nuisance or breach of any statutory duty on the part of a third party, in respect of which damages are or may be recoverable, the employee must immediately notify line manager or member of the senior leadership team of that fact and of any claim, compromise, settlement or judgement made or awarded in connection with it and all relevant particulars that The Trust may reasonably require. If the Trust require the employee to do so, they must cooperate in any related legal proceedings and refund to the Trust that part of any damages or compensation they recover that relates to lost earnings for the period of sickness absence as the Trust may reasonably determine, less any costs the employee incurred in connection with the recovery of such damages or compensation, provided that the amount to be refunded to us shall not exceed the total amount The Trust paid the employee in respect of the period of sickness absence.

<i>Origination</i>	<i>Authorised by</i>	<i>Policy Date</i>	<i>Review Date</i>	<i>Page 8 of 18</i>
JDA	LLTBoard	Sept 25	Sept 26	

Sickness Absence Policy(LLT)

Failure to properly report absence or to provide medical or self-certification could lead to the employees pay being suspended.

14. Sick leave and annual leave

If an employee becomes sick or injured while on annual leave, rendering them unfit for work, they may request the Trust to treat the period of incapacity as sick leave and reclaim the annual leave.

To claim company sick pay, the employee must immediately notify their line manager or a member of the senior leadership team of their incapacity. The usual requirements for medical evidence in this policy will apply, even if the employee is abroad.

If the employee is on sick leave, they may choose to cancel any pre-arranged annual leave that coincides with their sick leave. The employee should notify their line manager or senior leader as soon as possible if they wish to do this.

If the employee's period of sick leave extends into the next holiday year, or if there is insufficient time left in the current holiday year to take their remaining holiday entitlement, the employee can carry over any unused holiday entitlement to the following leave year, up to a maximum of 20 days, to be used within six months of their return to work.

15. Absence triggers

Trigger levels are established to support the effective management of sickness absence, ensuring the consistent application of the policy and providing a clear standard for all employees. These trigger points serve as indicators for the Trust to review an employee's absence record and determine whether further action is required.

Absence triggers will be applied on a pro-rata basis for part-time employees. The Trust will also consider reasonable adjustments to trigger points for employees with disabilities, in line with its obligations under the Equality Act 2010. Pregnancy-related absences will be excluded from trigger calculations. Each case will be assessed on its individual merits, taking into account the specific circumstances, as well as the nature and pattern of the absences.

Reasonable trigger points that may prompt a review of an employee's absence record include instances where, during a school term or other defined period, an employee is absent as follows:

- Three or more occasions in any rolling 12-month period:
- 14 or more days in any rolling 12 months.
- Any other pattern that causes concern.
- Have discussed matters at a return-to-work interview that require investigation; and/or
- Have been absent for more than 28 days.

The policy may still be applied where the employee persistently falls just below the trigger points and where the absence is perceived to be a problem.

16. Managing short term absences

When managing short term absences, informal meetings or discussions with employees may be held at any stage outside of the formal process if this is considered appropriate in the circumstances. It is important that in such cases, details of the meeting and outcomes/actions are

<i>Origination</i>	<i>Authorised by</i>	<i>Policy Date</i>	<i>Review Date</i>	<i>Page 9 of 18</i>
JDA	LLTBoard	Sept 25	Sept 26	

Sickness Absence Policy(LLT)

documented.

16.1 First formal meeting

Where an employee has reached one or more of the absence triggers, the line manager should review the employee's sickness absence records and arrange for a first formal meeting.

The employee will be informed in writing, providing at least five working days' notice of the meeting. The written notification will contain the following information:

- The date, time and venue of the first formal meeting.
- An outline of the concerns/health issues.
- The possible consequences.
- Copies of any relevant documentation.
- The employee's statutory right to accompaniment by either a work colleague or trade union representative

A representative from the People and Culture team is not required to attend the first meeting. However, they can attend if agreed upon by all parties. Consideration should be given to the circumstances of the case. If the absences are work or disability-related, their presence is recommended.

At the meeting, the Chair will discuss:

- Review the employee's absence record and the cause of the continued absence.
- Determine how long the absence is likely to last.
- Consider whether medical advice is required or, if already obtained, discuss that advice.
- Discuss an Occupational Health (OH) referral or its outcome.
- Invite the employee and/or their companion to clarify any factual matters and explain their situation.
- Identify any relevant personal, domestic, or work circumstances that have impacted their attendance.
- Encourage the employee, if appropriate, to seek new or further medical advice.
- Consider what measures might improve the employee's health and/or attendance.
- Discuss any reasonable adjustments that may be needed.
- Explain the implications of the absence for the team and the Trust.
- Outline the consequences if the employee is unable to return to work.
- Determine a way forward, including actions to be taken, a timeline for review, and/or scheduling a further meeting under the sickness absence procedure.

The meeting will be adjourned if new facts come to light which the Chair decides to refer for further investigation.

After the meeting, the Chair will review the evidence and discussion which took place and decide what appropriate course of action to take from the following options:

- No formal action.
- A first improvement notice, this will be issued where a specified improvement is required in attendance levels.

The employee will be notified of the decision as soon as possible following the meeting and, in any

<i>Origination</i>	<i>Authorised by</i>	<i>Policy Date</i>	<i>Review Date</i>	<i>Page 10 of 18</i>
JDA	LLTBoard	Sept 25	Sept 26	

Sickness Absence Policy(LLT)

event, in writing within five working days (unless this timescale is not practicable, in which case it will be provided as soon as is practicable). They will be informed, either at the same time or as soon as possible thereafter, of expectations in relation to attendance, dates of any review meetings, and any other required actions.

A first improvement notice for sickness will remain active for up to 12 months from the date of issue. During this time, further absences beyond the review period will be dealt with either at the next stage of the procedure or by extending the current improvement notice. If further absences occur shortly after the end of the 12-month period (or any extended warning), the Trust reserves the right to address the matter at the same stage of the procedure rather than returning to an earlier stage.

If, at any time, the Trust considers that the employee has taken or is taking sickness absence when they are not unwell, the matter may be referred to be dealt with under the Disciplinary Procedure.

16.2 Interim reviews

The monitoring of attendance is an ongoing process for all employees, irrespective of whether or not there are particular concerns. Employees whose attendance is being monitored as part of the formal stage of the process will have return to work discussions conducted as normal in respect of any further periods of absence, and it may also be appropriate to hold informal progress review meetings. Where it becomes apparent that acceptable progress is not being made, the employee will be invited to another formal meeting in accordance with the next stage of the procedure.

There is no set time period after which another formal meeting will be convened in such circumstances as this will depend on the nature, frequency and any patterns of absence as well as the impact the absence is having.

16.3 Second formal meeting

Where the employee's absence has continued at an unsatisfactory level despite the actions taken at the first formal stage, a further meeting should be arranged to explore the reasons for continuing absence.

If an employee is progressed to a second formal meeting, the employee will be informed in writing. This will provide the employee with at least five working days' notice of the meeting date. The written notification will also contain the relevant information as outlined at the first formal stage.

At the meeting the Chair will raise the instances of sickness absence that continue to give cause for concern despite previous efforts at first formal meeting to secure an improvement. The employee, or their representative, should be given the opportunity to respond.

At the meeting, the Chair will consider:

- The overall sickness absence record and impact of ongoing absence(s).
- Any medical evidence available.
- Any mitigating factors or explanations presented by the employee.
- The likelihood of an improvement.
- Possible redeployment opportunities and whether any adjustments can reasonably be made to assist in redeploying the employee.
- The ability to remain in the role, in view both of the employees capabilities and the needs of the

<i>Origination</i>	<i>Authorised by</i>	<i>Policy Date</i>	<i>Review Date</i>	<i>Page 11 of 18</i>
JDA	LLTBoard	Sept 25	Sept 26	

Sickness Absence Policy(LLT)

- Trust and any adjustments that can reasonably be made to job to enable the employee to do so.
- The list of options also considered within the first formal meeting.
- Some of the options available for additional consideration are:
 - To implement a 12-week review period where the improvements required will be clarified and agreed. The aim would be to have zero absence. However, individual circumstances will be taken into account when setting the required improvements.
 - To attempt to resolve any working difficulties.
 - To defer a decision pending a report from Occupational Health and/or a Doctor
 - To consider transfer to another post.
 - To formally notify the employee that their attendance record is unacceptable.

16.4 Final formal hearing

If the employee has not achieved or sustained the required improvement following the issuance of a final improvement notice within the further review/monitoring period, the Trust will invite the employee to a meeting under the third stage of the sickness absence procedure. The employee will receive at least five working days' notice of the meeting date. The written notification will include the relevant information outlined at the first formal stage. .

As with all formal meetings held in accordance with the procedure, the employee will be entitled to be accompanied by a trade union representative or workplace colleague and will have the opportunity to challenge evidence and state their case.

The purposes of the meeting will be to:

- To review previous meetings, matters discussed, and improvement notices issued.
- To review the employee's current health situation and any available medical information, including details of medical interventions already undertaken, planned interventions, responsible parties, and expected timelines.
- To establish what positive actions the employee has taken to maintain their health and improve their attendance.
- To review any reasonable adjustments already put in place, discussing their impact and the extent to which they have improved the employee's attendance.
- To discuss whether the employee's attendance levels are likely to improve in the future and whether current levels are sustainable.
- Whether the employee's absence is related to a disability.
- The effect of the absence on the Trust.
- What options, as alternatives to dismissal, have already been considered?
- Any relevant personal circumstances pertaining to the individual that may be impacting their attendance.
- To consider any further matters that the employee raises.
- To consider if ill health retirement is a possibility, where medical advice indicates it is unlikely that the employee will be fit to return to their role in the near future.
- To highlight possible consequences if, despite all support and adjustments provided, there has not been an acceptable improvement in the employee's attendance, including the consideration of employment termination.
- Termination will normally be with full notice or payment in lieu of notice.

The meeting may be adjourned if, in the view of the Chair, the meeting cannot continue until new evidence is investigated.

<i>Origination</i>	<i>Authorised by</i>	<i>Policy Date</i>	<i>Review Date</i>	<i>Page 12 of 18</i>
JDA	LLTBoard	Sept 25	Sept 26	

Sickness Absence Policy(LLT)

After the meeting, the Chair will consider all the evidence presented and reach a decision. As part of the decision-making process the Chair will determine whether the concerns about the individual's attendance levels are justified (or, in the case of long-term absence, whether it is reasonable to consider dismissal at this stage) and, if so, what outcome is most appropriate in all the circumstances of the case.

Where dismissal is being considered, the Chair will first discount options which could be put forward as an alternative to dismissal where these have not already been considered and reasonably rejected, such as temporary or permanent redeployment, ill-health retirement or reasonable adjustments for an employee with a disability.

The employee will be notified of the decision as soon as possible and, in any event, in writing within 5 working days. The letter will include confirmation of the Chair's conclusions and what, if any, formal action is being taken.

The letter to the employee will also confirm the employee's right to appeal the decision in writing within 5 working days of receipt.

The Trust will issue notice of termination in accordance with the employee's contractual or statutory notice period (whichever is greater). As a general rule, the employee will not be expected to attend work during the notice period irrespective of his/her current health position.

17. Managing long term absence

17.1 Long term absence trigger

Is defined as any period of absence generally lasting 4 weeks or more, or where an underlying illness, health condition or disability is having a significant effect on the ability to carry out the role as required by the business.

It is the Trust's policy to support employees who are sick and unable to come to work and, where an employee's absence is four weeks or more, to actively manage their absence and subsequent return to work.

The Trust is aware that sickness absence may, in some circumstances, result from a disability. Particular consideration will be given to whether there are reasonable adjustments that could be made to the requirements of a job or other aspects of working arrangements that will provide support at work and/or assist a return to work.

If the employee considers that they are affected by a disability or any medical condition which affects the ability to undertake their work, the employee should inform their Line Manager at the earliest opportunity.

17.2 Keeping in touch

The Trust will adopt a case management approach when managing long-term absence. This means regularly reviewing an employee's absence and state of health or fitness to see whether there is any improvement and if the Trust can do anything to facilitate the employee's recovery and return to work.

Part of the case management will be for the Trust to keep in touch with the employee. The employee will be consulted about how contact will be maintained, for example by telephone, e-mail and/or visits to the employee's home at agreed times. Keeping in touch aims to provide support, address any concerns, and

<i>Origination</i>	<i>Authorised by</i>	<i>Policy Date</i>	<i>Review Date</i>	<i>Page 13 of 18</i>
JDA	LLTBoard	Sept 25	Sept 26	

Sickness Absence Policy(LLT)

keep the employee informed about any relevant workplace updates.

17.3 First formal meeting

If the absence goes beyond four weeks a first formal meeting will be arranged in the same way as the short-term first formal meeting is held.

During the meeting the Chair will:

- Explore the reasons for the employee's absence/identify progress and/or any appropriate support.
- Seek to identify any underlying cause/whether the employee is disabled within the meaning of the Equality Act 2010 and whether their absence is because of or connected to their disability.
- Ask about treatment and/or specialist help being received.
- Seek to establish the action the employee has already undertaken or will undertake to aid their recovery and to expedite their return to work.
- Establish whether a date for return to work can be given.
- Confirm a date for the next review meeting.
- Consider seeking an opinion from Occupational, explaining the purpose of the referral to the employee.
- Explain the consequences of continuing absences.
- Bearing in mind any disability issues and/or medical advice received, consider:
 - Reasonable adjustments.
 - Other support mechanisms.
 - Redeployment within the Trust on medical grounds.
 - Whether an application should be made for early release of pension benefits.
 - A structured/phased return to work.

Where an employee cannot attend a meeting at the Trust premises, careful consideration should be given to meeting the individual virtually, in their home, at another agreed location or if this is not possible, conducting a review by correspondence, telephone and/or holding a review in their absence.

17.4 Twelve week formal meeting

A formal review should be arranged following 12 weeks of continued absence. The Trust will write to the employee inviting them to attend a formal review meeting giving at least 5 working days' notice and providing any relevant documentation that may be referred to at the meeting. The employee can be accompanied at this meeting by a companion who may be a trade union representative or a work colleague. Up to date medical advice may be obtained from the Occupational Health provider for this meeting.

At the meeting the Chair will explore with the employee:

- Medical opinion, the prognosis about recovery including the expected timescale for a return to work.
- What support the employee needs to enable him/her to make a successful return to work.
- Whether the employee is disabled within the meaning of the Equality Act 2010 and whether any reasonable adjustments can be made to support their return.
- The impact of the absence on the Trust operations including the Trust's ability to cover the employee's role, the impact on employees and pupils and the costs associated with the employee's continuing absence.

<i>Origination</i>	<i>Authorised by</i>	<i>Policy Date</i>	<i>Review Date</i>	<i>Page 14 of 18</i>
JDA	LLTBoard	Sept 25	Sept 26	

Sickness Absence Policy(LLT)

After the meeting, the Chair will review the evidence and discussion which took place and decide what appropriate course of action to take from the following options:

- No further action.
- Discounting certain periods of disability related absence.
- Agreeing a return-to-work plan including reasonable adjustments e.g. a phased return.
- Extending the period of monitoring and review, every 4 weeks, up until a maximum of 24 weeks.
- Obtaining further medical advice including specialist opinion.
- Referral to Final Hearing (ensuring the employee is fully advised of the reasons for the referral and the risk of dismissal where a return to work is unlikely within a reasonable timescale).

17.5 Final hearing

The Trust will invite the employee to a meeting under the third stage of the sickness absence procedure for managing long-term sickness. The employee will be given at least five working days' notice of the meeting date. The notification will outline the detailed reasons for the hearing and caution the employee that the hearing could result in a decision to dismiss them due to their incapability to perform their role because of ill health. Copies of any documentation the Trust intends to rely on at the hearing will be forwarded to the employee. Similarly, the employee is expected to provide copies of any documentation they intend to rely on.

Any representation made by the employee or their companion, or any written submission made in the employee's absence will be given due consideration before any decision is taken.

At the meeting the Chair will consider:

- The employee's overall attendance record.
- The impact of the employee's absences on the Trust.
- Any representations from the employee.
- Whether there are Equality Act 2010 considerations.
- The management of the case.
- The medical advice received.
- Whether medical advice is relevant and up to date.
- The support/reasonable adjustments considered and/or provided.
- Whether any adjustments or auxiliary aids provided have been effective.
- Any further action that can reasonably be taken.
- Options for redeployment within the Trust on medical grounds.
- Whether an application for early release of pension benefits has been made (LGPS or TPS as appropriate).

Possible Outcomes of the meeting:

- Further medical evidence to be sought.
- Further reasonable adjustments to be implemented.
- Consideration of alternative employment.
- Issued a further review/monitoring period.
- When all other alternatives have been considered, dismissal with notice in accordance with the employee's contractual notice entitlement.

<i>Origination</i>	<i>Authorised by</i>	<i>Policy Date</i>	<i>Review Date</i>	<i>Page 15 of 18</i>
JDA	LLTBoard	Sept 25	Sept 26	

Sickness Absence Policy(LLT)

The employee will be notified of the decision as soon as possible and, in any event, in writing within 5 working days. The letter will include confirmation of the Panel's conclusions and what, if any, formal action is being taken.

The letter to the employee will also confirm the employee's right to appeal the decision in writing within 5 working days of receipt.

18. Failure to attend meetings

Employees must take all reasonable steps to attend meetings. Failure to do so without good reason may be treated as misconduct. If the employee or their companion is unable to attend at the time specified they should immediately inform the contact contained within their letter, who will seek to agree an alternative time.

Where an employee is too unfit to attend, consideration will be given to holding the meeting in a different manner. For instance, by a telephone conversation with the employee or their union representative. Consideration will also be given as to the location of the meeting in particular in cases where the illness/injury giving rise to the absence is work related.

19. Right to be accompanied at meetings

The employee may bring a companion to any meeting or appeal meeting under this procedure.

The companion may be either a trade union representative or a work colleague. The employee should provide their details to the person conducting the meeting, in good time before it takes place.

Employees are allowed reasonable time off from duties without loss of pay to act as a companion. However, they are not obliged to act as a companion and may decline a request if they so wish.

The Trust may at their discretion permit other companions (for example family members) where this will help overcome particular difficulties caused by a disability or difficulty understanding English.

Some companions may not be allowed: for example, anyone who may have a conflict of interest, or whose presence may prejudice a meeting. Companions should not normally work at another site, unless no-one reasonably suitable is available at the site at which the employees works.

A companion may make representations, ask questions, and sum up the position, but will not be allowed to answer questions on the employees behalf. The employee may confer privately with their companion at any time during a meeting.

20. Appeals

The employee may appeal against the outcome of any stage of this procedure and they may bring a companion to an appeal meeting.

An appeal should be made in writing, stating the full grounds of appeal, to the person cited in the outcome letter, within five working days of the date on which the decision was sent to the employee.

Unless it is not practicable, the employee will be given five working days written notice of an appeal meeting. In cases of dismissal the appeal will be held as soon as possible. Any new matters

<i>Origination</i>	<i>Authorised by</i>	<i>Policy Date</i>	<i>Review Date</i>	<i>Page 16 of 18</i>
JDA	LLTBoard	Sept 25	Sept 26	

Sickness Absence Policy(LLT)

raised in an appeal may delay an appeal meeting if further investigation is required.

The employee will be provided with written details of any new information which comes to light before an appeal meeting. They will also be given a reasonable opportunity to consider this information before the meeting.

Appeals against dismissal will usually be handled in line with Appendix 1. Appeals against all other outcomes, not including dismissal, will usually be handled by a member of the senior leadership team or Manager of a higher level than the person who issued the original outcome.

The appeal meeting will be restricted to the grounds for appeal and will not constitute a complete rehearing of the matter or a review of the original decision.

Following an appeal, the original decision may be confirmed, revoked or replaced with a different decision. The final decision will be confirmed in writing, if possible, within five working days of the appeal meeting. There will be no further right of appeal.

The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity or pay.

21. Review of policy

This policy is reviewed every two years. The Trust will monitor the application and outcomes of this policy to ensure it is working effectively.

<i>Origination</i>	<i>Authorised by</i>	<i>Policy Date</i>	<i>Review Date</i>	<i>Page 17 of 18</i>
JDA	LLTBoard	Sept 25	Sept 26	

Sickness Absence Policy(LLT)

22. Appendix 1 - Authority to act under the procedure.

The below details who is responsible for conducting the different stages of this process, in most instances. The Trust reserve the right to deviate from the below if required. The trust will ensure that full training and support from the people and culture team is given to those responsible for conducting.

	Return to Work Discussion	First Formal Meeting	Second Formal Meeting	Final Hearing	Appeal against Dismissal
All School based. employees, unless listed below	Headteacher will delegate responsibility in line with local procedures. In most instances this will be delegated to SLT member or appropriate Line Manager.	Headteacher may delegate this responsibility to SLT member or appropriate Line Manager.	Headteacher may delegate this responsibility to SLT member or appropriate Line Manager.	AGC delegate responsibility to Headteacher. Whilst Headteacher can hear the case for dismissal alone, a panel consisting of 2 AGC members and Headteacher may be formed.	Panel of 3 from AGC
Headteacher	CEO/Executive Headteacher	CEO/Executive Headteacher	Chair of AGC and CEO/Executive Headteacher	Panel of 3 from AGC	Panel of 3 from Trust Board
Central Team Employees	Line Manager	Line Manager or Department Head (or equivalent)	Department Head or Executive Director	Executive Director and Headteacher or CEO/Executive Headteacher	Panel of 3 from Trust Board
CEO/Executive Headteacher	Chair of Trust Board (or nominated delegate)	Chair of Trust Board (or nominated delegate)	Panel of three from Trust Board	Panel of three from Trust Board	Panel of three from Trust Board

<i>Origination</i>	<i>Authorised by</i>	<i>Policy Date</i>	<i>Review Date</i>	<i>Page 18 of 18</i>
JDA	LLT Board	Sept 25	Sept 26	