



inspiring the journey for
independence together

Managing Sickness/Absence and Special Leave Policy

Non-Statutory

Reviewed Annually

Chair of the Trust Signature:

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1. Introduction

- 1.1 Rivermead Inclusive Trust believes that employee well-being at work is fundamental to the recruitment and retention of its employees.
- 1.2 The Head of School and Local Advisory Board of the School within Rivermead Inclusive Trust recognise that prevention is better than cure and that employee well-being at work is a shared priority for all involved.

2. Equalities Statement

- 2.1 This Rivermead Inclusive Trust is committed to providing equal opportunities and access to all. This policy embraces the spirit of managing a diverse workforce and those managing and dealing with sickness matters must ensure that no employee is discriminated against either directly or indirectly, harassed or victimised on the grounds of their race, disability, sex, sexual orientation, religion or belief, age, marital or civil partnership status or any stage of gender reassignment or any prohibited ground.

3. Scope

- 3.1 This policy applies to all employees of Rivermead Inclusive Trust.
- 3.2 In respect of the Head of School's own sickness absence, the provisions of this policy will be initiated and progressed by the Chair of the Local Advisory Board (or other Governor nominated by the Local Advisory Board), and in conjunction with the CEO and the Deputy CEO.

4. Roles and Responsibilities

- 4.1 Managing sickness absence is one of a line manager's key roles. Every manager within the Trust has a responsibility to manage sickness absence in a way that safeguards the interests of the school's resources, service provision and employee well-being. For ease of reference, the title 'Head of School' will therefore be used for the responsible manager throughout this policy.
- 4.2 This procedure aims to ensure that all employees are treated consistently and fairly and provide a framework for dealing with potential absence problems at an early stage; thereby longer-term problems may be prevented.
- 4.3 Employee responsibilities:
 - Familiarise yourself with this policy;
 - Ensure you comply with the reporting absence procedures as set out in the schools' procedures and;
 - Understand that failure to adhere to the procedures or follow your Head of Schools instructions in relation to your absence, may result in disciplinary action and/or suspension of sick pay.
 - Keep your Head of School informed of the reasons for your absence and the likely duration of your absence.

4.4 Head of School (or delegated manager) responsibilities:

- Monitor and report on a timely basis all sickness absence episodes to enable sick pay provisions to be dealt with by payroll;
- Ensure regular contact is made with employees who are absent for more than 1 week;
- Ensure that return to work interviews and subsequent formal meetings are undertaken;
- Ensure that these procedures are applied consistently and fairly taking into account individual circumstances;
- Ensure that all staff are made aware of this policy and the need for them to follow the requirements of sickness absence notification procedures;
- Encourage and support employees to maintain good attendance, through good management practice and use of other appropriate services;
- Ensure that all employees are aware of the school's confidential employee assistance provider Care first;
- Undertake stress risk assessments for their team or individual employees, as required (advice on how to undertake a stress risk assessment is available from the school's forum or Medway intranet site).

* NB – Care first is provided to Rivermead Inclusive Trust employees through Medway HR Services.

4.5 HR Team's responsibilities:

- Provide the Head of School with the tools to be able to manage sickness absence effectively including training, and template documentation;
- Provide the Head of School with specialist advice on implementing this policy and procedures;

- Support the Head of School/ line manager when referring an employee to the Occupational Health Adviser.

4.6 Local Advisory Board's responsibilities:

- Ensure the school regularly reviews the impact and relevance of this sickness absence policy;
- Ensure the Head of School carries out his/her responsibilities as outlined in the policy;
- Ensure the absence of the Head of School is monitored and the appropriate procedures are applied;
- Determine an appropriate course of action when a Head of School refers a case to the Local Advisory Board.

5. **Care first**

5.1 The school has a confidential employee assistance provider to support employees and managers. This is provided as part of the service contract through Medway Council and is available to all school-based staff within this Trust.

5.2 Care first support for employees

- 5.2.1 Employees and members of the employee's immediate household can contact Care first 24/7, 365 days per year to discuss any issue that may be concerning them. Care first will advise whether counselling is required.
- 5.2.2 Head of Schools/HR Manager can make a referral to Maitland Medical (occupational health) providing they have the employees' permission to do so.

5.3 Care first support for managers

- 5.3.1 It is appreciated that dealing with sickness cases and managing sickness absence can sometimes be daunting for Head of Schools, in particular dealing with sensitive or embarrassing issues. This can lead to delays in dealing with the absence issue which may exacerbate any problems that could easily be "nipped in the bud". Guidance and support on how to approach employees and undertake meetings such as return to work interviews or formal review meetings is available from Maitland who will talk managers through the best way to approach a difficult or sensitive subject.

5.3.2 Care first can be contacted on telephone number 0800 174319 or by emailing counsellingformedwaycouncil@care-first.co.uk

6. Sickness Absence Monitoring

- 6.1 Effective sickness absence monitoring is essential for the early detection of problems including welfare and work-related problems. Early identification of issues can lead to speedier management or medical interventions, or to improved individual awareness.
- 6.2 It is essential that accurate records are kept for each employee by the Head of School. If a particular individual needs to be approached in respect of their sickness absence, accurate records provide evidence for the manager to illustrate how attendance levels are causing concern.
- 6.3 Regular monitoring also enables managers to gain a picture of where there may be underlying areas of concern such as management, motivation or stress issues and assess the impact of sickness absence on service provision.

7. Absence Triggers

- 7.1 The use of absence triggers provides a consistent approach to managing sickness absence throughout the school. The absence triggers are detailed below:

7.1.1 SHORT TERM sickness absence triggers

- three occasions of absence during a six month period (i.e. single days or multiple days)
- more than five days sickness, during a six-month period.
- patterns of short-term absence which have been identified over the past 6 months e.g. particular days of the week

When any of these triggers are met the Head of School will normally follow the process for managing short term sickness absence as set out in section 11.

In cases where an employee has had frequent absence for reasons other than sickness absence, the Head of School will review attendance and as appropriate arrange a meeting to discuss this.

7.1.2 LONG TERM sickness absence triggers

- four continuous weeks sickness

When the above trigger is met, the Head of School will normally follow the process for managing long term sickness absence as set out in section 15.

7.2 Psychological illnesses such as stress and depression

- 7.2.1 In cases of stress, depression or another psychological illness, Head of School may contact the employee in the second week of absence to arrange to meet to consider a referral to the Occupational Health Adviser straight away.
- 7.2.2 In any cases of stress, depression or another psychological illness being given as the reason for absence Head of Schools should ensure a more in-depth return to work meeting is held, a stress risk assessment is undertaken and consider a referral to the Occupational Health Adviser.
- 7.2.3 When an employee has been absent for four or more continuous weeks the Head of School will normally follow the process for managing long term sickness absence as set out in section 15. Head of Schools in any doubt should contact their HR Manager (Mrs Karen Watkin) for further guidance.

8. Special Considerations

8.1 Disability related sickness absence

- 8.1.1 Where absence could be disability related, employees must be appropriately treated within the context of the Equality Act 2010. This legislation provides legal protection against discrimination for disabled people. In dealing with disability related absences Head of Schools should seek advice from their HR Manager if they are in any doubt about managing disability related sickness.
- 8.1.2 Sickness absence relating to disability should be identified and recorded separately as this could be regarded as a reasonable adjustment when referring to the sickness absence triggers.

8.2 Maternity related sickness absence

- 8.2.1 Employees should not be discriminated against as a result of maternity related sickness. Maternity related sickness absence during protected periods must not be taken into account as grounds for subsequent dismissal. The protected period is from notification of inception of pregnancy to the end of the woman's maternity leave.
- 8.2.2 Illnesses, which are related to pregnancy, should be dealt with through this procedure. Any pregnancy related sickness after the beginning of the 4th week before the Expected Week of Childbirth (EWC), will automatically start the maternity leave period. Any sickness before the 4th week of the EWC will be treated as sickness normal absence.

8.2.3 A risk assessment should be undertaken by the Head of School once notification has been received in writing that an employee is pregnant; has given birth in the previous six months; or is breast-feeding. Further details can be found in the Academy's Maternity Policy.

8.3 Industrial injury related sickness absence

8.3.1 Where absence is as a result of an industrial injury the school's Accident and Incident Reporting and Investigation Policy must be followed.

8.3.2 Any employee who is absent due to an injury sustained in the performance of their contractual duties, without them being at fault, shall be paid in accordance with normal sickness absence.

8.3.3 An employee who is absent as a result of an accident where damages may be receivable from a third party, will be paid Occupational Sickness Pay subject to the employee undertaking to refund to the school the total amount of Occupational Sick Pay or a proportion of it from the damages received from a third party in respect of such an accident.

8.3.4 In the case of a teaching staff member whose absence is due to an accident, injury or assault attested by an approved practitioner to have arisen out of and in the course of a teacher's employment, including attendance for instruction, physical training or other classes, organised or approved, by the employer, or participation in any extracurricular or voluntary activity connected with the school, will be entitled to full sick pay. Such pay being treated as sick pay, subject to the production of self-certificates and/or GP's fit note from the day of the accident, injury or assault up to the date of recovery, but not exceeding six months.

8.3.5 Absence resulting from accidents, injuries or assaults, as attested in para 8.3.4 will not count against the teacher's occupational sick pay entitlements but are reckonable for entitlement to statutory sick pay (teachers' pay and conditions of service).

8.4 Sickness caused by infectious disease

8.4.1 An employee who is prevented from attending work because of contact with infectious disease shall be entitled to receive normal pay. The period of absence on this account shall not be reckoned against the employee's entitlements under the occupational sick pay scheme. Please refer to Health & Safety Advisers for further clarification.

8.5 Attending medical/dental appointments

- 8.5.1 Employees should be encouraged to arrange for appointments to take place outside of normal working hours or failing that at the beginning or end of the day. Where this is not possible, employees should arrange appointments so that the time away from work is kept to a minimum. The Head of School will monitor attendance levels to ensure that this is not abused.
- 8.5.2 The school will monitor the amount of time off for appointments being taken during working hours, to ensure that this is not abused. There is no automatic right to receive paid time off to attend medical/dental appointments. Each case will be considered by the Head of School.
- 8.5.3 The school is committed to being a fair and inclusive employer and will not discriminate against an employee who has or who is undergoing gender reassignment.
- 8.5.4 Transgender employees may need a number of different medical interventions which require absences from work. Such absence is covered by the Equality Act 2010 and the school will not treat a person who is absent because of gender reassignment less favorably than they would treat an employee who is absent due to sickness, injury or absent for some other reason. If there is surgery, this would be regarded as a planned operation.
- 8.5.5 Necessary paid time off will be granted for the purpose of medical screening.
- 8.5.6 Absence for half, or more than half, of the employee's normal working day should be recorded as sickness absence.
- 8.5.7 Special consideration should be given to employees who attend appointments for reasons relating to a disability in which case paragraphs 8.5.1 and 8.5.2 may not apply as these appointments may be considered to be a reasonable adjustment. Contact your HR Manager for further advice.

8.6 Compassionate Leave

- 8.6.1 The Head of School can approve up to five days' paid leave of absence per annum or alternatively unpaid leave of absence can be agreed. Compassionate pay is at the discretion of the Head of School and Chair of the Local advisory Board.

8.7 Sickness Absence Whilst on Leave/During School Closure Periods

- 8.7.1 **Support staff** - In the event of an all-year-round employee falling sick during a period of annual leave, they will be regarded as being sick from the date of their GP's fit note (any costs to be met by the employee) and further annual leave shall be suspended from that date and for the duration of the fit note. If no fit note is produced annual leave will stand. Every reasonable effort should be made by the employee to report any sickness absence during a period of annual leave as soon as practicable to their Head of School.

Support staff (term time only) – in the event of an employee falling sick during the school closure periods, they will be regarded as being sick from the date of their fit note and must send in a GP's fit note to cover any absence extending into a closure period.

8.7.2 Teaching staff – whilst sickness during closure periods will not affect the period of a teacher's entitlements to sick leave, it will be relevant so far as deduction of benefit is concerned. Thus, the same deductions applicable to a teacher in respect of sickness on working days will be applicable in respect of sickness during a closure period.

The rate of sick pay applicable to a teacher in respect of sickness during the closure of a school is the rate applicable to him/her on the last day before the closure. Where a teacher, therefore, is ill immediately preceding a closure period and is on either full pay or half pay, they will continue on this rate of pay but the closure period is not counted against the teachers' entitlements. If the teacher has exhausted their sick pay and is on no pay, they will continue to receive no pay. A teacher may in the above circumstance, be put back onto full (ordinary) pay if the teacher is ill immediately preceding a closure of the school and recovers during this period of closure. In this circumstance, the teacher shall be deemed, for the purpose of calculating salary due, to have returned to duty on the day he/she is authorised as medically fit by their GP via a GP's fit note, provided the teacher returns to duty on the first day after the closure.

8.8 Sickness Monitoring and Statutory Annual Leave (all year round staff)

8.8.1 A break in long term sickness absence for taking statutory annual leave does not trigger a new period of sickness absence in terms of monitoring. Paid statutory holiday entitlement (for all year-round staff) accrues during sickness absence regardless of how long an employee is off sick. Employees are therefore able to take paid statutory annual leave while on sick leave if they are employed on an all year-round employment contract.

8.9 Medical Suspension

8.9.1 If an employee's condition is considered to be a health and safety risk either to themselves, other staff, and or pupils they should be suspended on medical grounds. The suspension will be on full pay. Head of Schools in any doubt should seek advice from their HR Manager before taking this action.

8.9.2 An employee who is medically suspended would normally have been referred to the occupational health service or would be in the process of being referred for a medical opinion.

8.9.3 The employee will be advised to visit their GP in this circumstance to ascertain the doctors' opinion on their state of health. If the doctor agrees that the employee should not be in work, the employee should send the GP's fit note to their Head of School. The medical suspension will cease from the date of the GP's fit note.

8.9.4 For cases of suspected drug or alcohol abuse Head of Schools should refer to the schools Drugs and Alcohol Misuse Policy.

8.9.5 There may be occasions when the medical advice received from the GP or Occupational Health Adviser cannot be practically implemented. In such cases the Head of School has the authority to suspend on medical grounds.

8.10 Differences of Medical Opinion

8.10.1 On rare occasions, there may be a difference of medical opinion between the employee's GP and the Occupational Health Physician. The opinion of the Occupational Health Physician will take precedence.

8.10.2 The school may seek permission from the employee to request further medical information directly from the GP or other medical specialists to assist in determining the employee's fitness for work.

9. Sick Leave and Pay Entitlement

9.1 **Support staff** - the rate of sick pay and the period for which sick leave shall be paid in respect of absence due to ill health, will be calculated on a 12 month rolling basis. It is not necessary for an employee's sick leave entitlement to be exhausted before termination of employment on medical grounds may be implemented. If a Head of School is considering this action, please see advice from your HR Manager.

9.2 **Teaching staff** – periods of sick leave are calculated in working days only. Teachers who are absent due to sickness continue to receive full or half pay as appropriate, through weekends, school holidays and bank holidays, though these periods do not count towards sick leave triggers.

Under the teachers' conditions of service, a new period of sick leave and sick pay starts from 1 April each year. However, if a teacher is absent from work due to illness on 31 March, the period of absence will continue to be calculated against the previous year's absence and the new sickness period will not start again until the teacher is back at work. Again, it is not necessary for a teacher's sick leave entitlement to be exhausted before termination of employment on medical grounds can be implemented.

9.3 Occupational Sick Pay

- 9.3.1 Occupational sick pay is paid in line with the terms and conditions of employment and subject to the conditions contained in this policy. Occupational sick pay is for a prescribed period based on length of service, as indicated below:-

Teachers:

<u>Length of Service</u>	<u>Entitlement</u>
During 1st Year of service	Full pay for 25 working days and, after completing 4 calendar months service. Half pay for 50 working days.
During 2nd Year of service	Full pay for 50 working days, and then Half pay for 50 working days
During 3rd Year of service	Full pay for 75 working days, and then Half pay for 75 working days
During 4th and successive years	Full pay for 100 working days, and then Half pay for 100 working days

Support Staff (NJC terms and conditions of service):

<u>Length of Service</u>	<u>Entitlement</u>
During 1st Year of service	1 month's full pay and (after completing 4 months service) 2 months' half pay
During 2nd Year of service	2 months' full pay and 2 months' half pay
During 3rd Year of service	4 months' full pay and 4 months' half pay
During 4th and 5th year of service	5 months' full pay and 5 months' half pay
After 5 Years Service	6 months' full pay and 6 months' half pay

- 9.3.2 The Local Advisory Board can exercise its discretion to extend occupational sick pay in exceptional cases.

9.4 Stopping Occupational Sick Pay

- 9.4.1 Sick pay may be stopped if an employee fails to comply with the statutory sickpay requirements, such as the provision of a GP's fit note.

- a) the circumstances that are leading the manager to come to the decision;
- b) the date that the pay will be suspended.

- 9.4.2 When making a decision to stop sick pay the Head of School may wish to seek advice from their HR Manager. These Head of School must make it clear, in writing, giving two weeks' notice of stopping sick pay
- abuse of the sickness scheme;
 - absence on the grounds of sickness due or attributable to deliberate conduct prejudicial to recovery;
 - the employee's own misconduct or neglect or active participation in professional sport or injury while working in the employee's own time on their own account for private gain or for another employer;
 - some other substantial reason as discussed with the Schools HR Consultant.(e.g. non-engagement with occupational health).

9.5 Suspension of Sick Pay

- 9.5.1 The payment of any occupational sick pay under the scheme may be suspended if the Head of School is of the opinion that the condition which has led to the employees' absence from work is due to any of the following circumstances:

- 9.5.2 Where suspension of sick pay is required the Head of School must advise (in writing) the employee of the grounds for suspension and the employee shall have a right of appeal to a panel of Governors/Trustees. If it is decided that the grounds were justified the employee shall forfeit the right to any further payment in respect of that period of absence.

- 9.5.3 Abuse of the sickness scheme should be dealt with under the disciplinary procedure.

9.6 Sick pay and statutory annual leave

- 9.6.1 All year-round contracted employees accrue and can request to take paid statutory annual leave whilst on long term sick leave. Employees whose employment terminates after a period of long-term sick leave will be paid in lieu of the statutory leave that they would otherwise have carried forward or lost.

10. **Return to Work Interview**

- 10.1 Following any period of sickness absence, the Head of School or the PA to the Head of School, will meet informally with the employee to discuss their sickness absence.

10.2 The purpose of the meeting should be;

- to welcome back and to discuss the reason and cause of the absence and whether there needs to be a phased return, amendments to working hours or any workplace adjustments;
- to consider any concerns regarding attendance or patterns of absences;
- to confirm the employee is fully recovered and fit to return and to give the opportunity for the employee to share any underlying problems; and
- to ensure the necessary notifications have been completed and that the employee has provided a GP-fit note covering their absence, if appropriate.
- To discuss and agree any support that the employee may need to work and sustain a successful return, including any recommendations made by a GP or Occupational Health Advisor

10.3 A written record of the return-to-work meeting will be made and kept on the Employee's personnel file for absence monitoring purposes and a copy provided to the employee.

10.4 Depending on the reason and length of the absence the Headteacher may agree further follow up meetings to help ensure that the Employee makes a successful and sustained return to work.

10.5 In complex cases, where disability is a factor or in instances where an employee has been absent from work for some time – it may also be useful for a trade union representative or workplace colleague to attend this meeting.

11. Managing Short -Term Sickness Absence

11.1 The early and successful management of short-term absence is essential to good working conditions. Responsibility lies with the Head of School to manage this process in a consistent and appropriate manner.

11.2 To ensure that a complete picture of absence is available, comprehensive sickness records must be kept for monitoring purposes.

11.3 The Head of School may arrange for the employee to be referred to the Occupational Health Adviser in order to seek advice including whether there is any underlying cause for the short-term absence.

11.4 Head of Schools should review absence levels more formally with an employee where a pattern or level of absence has emerged which causes concern and/or the absence triggers as set out in section 7 have been met.

11.5 In these instances a Stage One - Formal Review meeting should be held between the Head of School and the employee to discuss the Head of School's concerns. At this meeting the employee should be provided with a copy of this policy. During the formal stage the employee will be expected to improve their level of attendance. The level of attendance required will be confirmed to the employee in writing and the employee informed that failure to reach this required attendance within a specified timescale could lead to dismissal.

11.6 In extreme cases a Stage Three final review meeting will be convened without going through Stages One and Two.

11.7 STAGE ONE - Formal Meeting One

11.7.1 The purpose of the meeting is to discuss the situation with the employee in a supportive way, to establish whether the absences from work are linked or related and to agree with the employee the best way forward. The employee should be asked if they wish to be accompanied by a Trade Union representative or a workplace colleague at the meeting. In exceptional circumstances your Schools HR Manager may attend if the matter is particularly complex.

11.7.1.1 By the end of the meeting, the Head of School would be expected to have a real understanding of the problem and any workplace issues that are affecting the employee's ability to attend work and determine reasonable ways of assisting the employee in reducing his/her sickness absence and/or making a successful return to work. The decision of the meeting should be recorded and a copy of the record be given to the employee to avoid any confusion. In situations where the manager is unable to fully understand the problem a further referral will be appropriate.

11.7.1.2 If the reasons given for the absences appear to be unrelated and the level of absence and/or frequency and pattern is causing concern the Head of School should try and identify through discussion with the individual if there are other problems of a domestic or work nature that may be affecting their attendance. If there are any work issues affecting attendance, the Head of School has a responsibility to make every effort to resolve these and to involve the employee in their effective resolution. A date should be set in two months' time to review the position at a Stage Two - Formal Review meeting.

11.7.1.3 Where an employee has taken three or more periods of sickness absence within a six-month period, the Head of School must automatically review the need for a referral to the Occupational Health Adviser. Action taken to refer to the Occupational Health Adviser must be appropriate to the nature of the absence. Guidance on when this is appropriate is available from your Schools HR Manager.

11.8 STAGE TWO - Formal Review Meeting

11.8.1 The purpose of this meeting is to review the employee's attendance levels since the date of the Stage One Review Meeting.

11.8.2 An exception to this would be where medical advice indicates that the employee will not be able to return to their role or a suitable alternative role, and where there are no reasonable adjustments that would enable them to return. A Stage Three final review meeting will then be convened.

11.9 Outcome from Stage Two

11.9.1 The outcome will be either (i) an improvement or (ii) failure to improve. The following explains the next steps that need to be taken in either circumstance:

i) ***The level of absence has improved***

If the level of attendance has improved sufficiently this should be recognised and a further review meeting organised for two months time. If after that further review, there is no ongoing concern, then no further action is required. A record of this decision should be made and shared with the employee and placed on the employee's personal record for 12 months.

Head of Schools should make it clear to the employee however that should there be further concerns regarding their attendance within the next 12 months consideration would be given to re-starting the review process at Stage Two. Head of Schools should explain that should their level of absence persist after a final two-month review period, a Stage Three - Final Review meeting will be convened and that this could result in their employment with the school being terminated on medical grounds.

ii) ***The level of absence has not improved sufficiently***

The process will move to a Stage Three Review meeting in cases where the Head of School has exhausted all options available that might enable the employee to reach an acceptable level of attendance and where:

- the level of short-term absence remains unacceptable, and/or
- the steps taken at Review Stages One and Two have not secured the required improvement.

In which case the Head of School should explain that the result of the Stage Three – Final Review meeting could result in their employment with the school being terminated on medical grounds.

11.10 Stage Three – Final Review Meeting

11.10.1 Where all options have been considered during Stages One and Two of the formal process, the Head of School should convene a Stage Three Final Review meeting. This can then be referred to a panel of governors if deemed to be required following any investigation. The employee will be informed of this meeting. Up to date Occupational Health advice should be sought before the Final Review Meeting.

11.10.2 The outcome of the Final Review Meeting will result in either:

- i) a written warning to remain on the employees personal file for 24 months, or
- ii) termination of employment on medical grounds.

12. Managing Long-Term Sickness Absence

12.1 When an employee is on sick leave for a period of 4 weeks or more, it is important that the Head of School (or nominated person) keeps in regular contact in order that the individual is supported and does not feel isolated and also that an accurate picture of the circumstances can be maintained. There is also an obligation on the part of the employee to keep their Head of School updated with regard to their health situation.

12.2 Long-term ill health can be a fair reason for terminating an employee's contract of employment. The legal background is that an employee who is absent from work due to ill-health may be fairly dismissed provided that fair and reasonable steps are taken. A stage three meeting may be convened in cases of long term absence even if Stages One and Two have not been invoked. In cases of long term absence there is no requirement for the school to have undertaken Stages One and Two previously with the employee; the School can proceed directly to Stage Three where absence exceeds four continuous weeks.

12.3 Referral to the Occupational Health Adviser

12.3.1 A referral can be made by the Head of School to the Occupational Health Adviser at any point during the period of sickness for a medical opinion on the employee's fitness to carry out their duties and advice on how to facilitate an early return to work wherever possible. This will normally be where the employee has been off sick for a continuous period of four weeks or in cases of stress, depression and other similar conditions during the second week of absence (i.e. where they have met the triggers for further action).

12.3.2 Action taken to refer to the Occupational Health Adviser must be appropriate to the nature of the absence or employee's medical condition. If in any doubt Head of Schools should seek advice from their Schools HR Manager for further guidance.

12.4 Employees unable to return to their normal duties due to a disability:

12.4.1 If an employee becomes disabled as a result of illness, reasonable adaptations must be considered in order to avoid disability discrimination under The Equality Act 2010. See appendix one for further details regarding reasonable adjustments.

12.4.2 Access to Work funding may be available to assist with reasonable adjustments required in the workplace. Whilst the school is not obliged to create a new position for an employee, if there is alternative work available which might be considered suitable, taking into account the individual's capabilities, they should be considered for re-deployment into this alternative position.

12.4.3 No decision to terminate the employee's contract should be taken without firstly consulting your Schools HR Manager.

12.5 Phased returns to work

12.5.1 In some circumstances, the Occupational Health Adviser may advise that a phased return to work is appropriate for employees returning from a period of long term sickness absence. This will enable the employee to gradually build up their working hours and/or days and settle back into their normal working pattern.

12.5.2 Timescales for a phased return to work will be discussed in advance and medical advice sought to determine when the employee will be able to return to their normal working hours and/or days. The employee should submit a GP fit note confirming that they are fit to return to work. During the initial period of a phased return, the employee will be paid their normal contractual salary.

12.5.3 If a phased return extends beyond four working weeks then the employee will be paid on the basis of hours actually worked. If the staff member is an all year-round employee and has already accrued annual leave, they may request this to make up any time that they are not at work.

12.6 Employees not fit to return to work

12.6.1 In cases of long-term absence where the employee is not expected to be fit to return to work within a reasonable timescale, and where any steps (e.g. reasonable adjustments) taken to support a return to work have been unsuccessful the Head of School should discuss this with the employee and move to Stage Three – Final review meeting.

13. Retirement on the grounds of ill-health

- 13.1 In those circumstances where employees cannot return to work on grounds of ill health or cannot be found suitable alternative employment, they may be eligible for retirement on ill-health grounds. The pre-requirement for an application is that the employee is a member of the Local Government Pension or the Teachers' Pension scheme.
- 13.2 This avenue will normally be explored before a formal Stage Three- Final Review meeting takes place, providing the medical information received thus far indicates that the employee may be incapable of returning to work for the foreseeable future.
- 13.3 The process of application is different for both pension schemes, but your Schools HR Manager will be able to advise you on the application process. The basis of the award is that the member of staff is permanently incapacitated or unable to carry out their employment duties due to illness.

14. Out of service applications for ill Health Retirement

- 14.1 HR Manager will assist the school in a referral to Occupational Health on behalf of the ex-employee, in order for occupational health to confirm permanent incapacity and issue a permanent incapacity certificate. In order to do this, occupational health may need to:
- - conduct an independent medical assessment
 - contact the ex-employee's GP
 - contact the ex-employees treating specialist
- 14.2 The school will not meet the cost of such a referral and the member will be asked to sign an agreement to meet the costs themselves prior to the application being commenced.

15. Termination of Employment on Grounds of ill Health

- 15.1 Any decision to terminate the employment on medical grounds will be dealt with in accordance with the following process.
- 15.1.1 The final Stage Three - Review Meeting should be convened to discuss the situation once it is established that:

- an employee is medically unfit for their duties as confirmed by the Occupational Health Adviser, or
- there is no identified resolution to their sickness which is unsustainable, due to its impact on the provision of the service, or
- the procedure for managing short term absence has been followed and there has been no improvement in attendance at the end of the review period nor further evidence of a health problem has come to light;
- No reasonable adjustment is possible or any adjustments which have been put in place have failed.

15.2 If the Occupational Health Adviser determines that the employee will not be able to return to their normal duties, suitable alternative vacant posts within the school will be considered as a re-deployment opportunity before the Stage Three – Final Review meeting.

16. Final Review Meeting Process

16.1 The Final Review meeting shall be conducted by a panel of Governors and they will be accompanied by a Schools HR Consultant. The employee will be notified in writing at least ten working days ahead of the meeting and will have the right to be accompanied by a trade union representative or work place colleague. The employee is required to provide the panel with any documentation they will be relying on at least five working days in advance of the meeting.

16.2 In the event that the panel at the Stage Three – Final Review meeting decides to dismiss the employee, the employee will be entitled to receive their appropriate notice period (statutory or contractual whichever is the greater) and entitled to the right of appeal.

16.3 The employee will be notified in writing of the outcome Stage Three – Final Review meeting and their right of appeal, normally within five working days of the decision.

17. Right of Appeal

17.1 The right to appeal against termination of employment on the grounds of ill health is to a panel of Governors not previously involved in the case. Appeals must be lodged with the school, addressed to the Chair of the Appeals Committee within ten working days of the date of receipt of the letter notifying the outcome of the formal Stage Three – Final Review meeting, clearly stating the grounds for the appeal.

17.2 The appeal will be heard as soon as practical.

17.3 The appeal panel's decision will be final.

18. **Time off for Dependants**

18.1 All locations within the Rivermead Inclusive Trust allow five days in an academic year for leave for dependants. The first day of a period will be paid and subsequent days will be unpaid. Any leave taken after the five days is unauthorised and may lead to a breach of contract.

Relevant Legislation

- Employment Rights Act 1996
- Equality Act 2010
- Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) Regulations 2010 (SI 2010/137)
- Access to Medical Records Act 1988
- Data Protection Act 2018

APPENDIX 1

Supporting an Employee who Becomes Disabled

1. Making reasonable adjustments

Under the Equality Act 2010, disabled employees are protected against discriminatory treatment that occurs for a reason related to their disability. One of the key duties under the Act for employers is to make reasonable adjustments to working arrangements, working practices and premises.

1.1 Reasonable Adjustments

Should an existing employee become disabled an employer can help practically by considering what reasonable adjustments could be made to accommodate the employee's needs and ensure they are successfully retained in employment. The employee may have suggestions, which you should of course consider, but it remains your responsibility to identify and implement any adjustments. An employee may also need counselling or other advice and information, Care First, can provide these services on 0800 174319.

Some examples of these reasonable adjustments include in no particular order:

- **altering premises**, e.g. widening a doorway, providing a ramp, stair-climbing chairs or non-slip flooring, moving furniture, altering lighting, or providing parking spaces for drivers with disabilities.
- **allocating some duties to another employee**, within the working environment.
- **transferring the person to fill an existing vacancy via a redeployment process**, e.g. if an employee becomes disabled and there is no reasonable adjustment which can enable them to continue in their post they might be considered for another suitable post within the school.
- **altering working hours**, e.g. allowing an employee who becomes disabled to work part-time or to job share.
- **changing the person's place of work.**
- **allowing absences during working hours for rehabilitation, assessment or treatment**, e.g. allowing an employee who becomes disabled time off during work to receive physiotherapy or other treatment.

- **supplying additional training**, e.g. training in the use of particular pieces of equipment unique to the disabled person.
- **Acquiring or making changes to equipment**, e.g. a visible fire alarm system, an adapted telephone, a specific software package etc.
- **providing a reader or signer**, e.g. reading information to a visually impaired person at particular times during the working day.
- When planning changes to buildings or practices, management should, as a matter of good practice, consider the possible needs of new employees with disabilities, impairments or long term health conditions and existing employees who may develop them in the future.

2. Access to work programme (AtW)

Access to Work can provide advice and practical support to disabled people and their employers to help overcome work related obstacles resulting from a disability. AtW can also agree to pay a grant, through Jobcentre Plus (Dept for Work and Pensions), towards extra employment costs resulting from a disability. This can help pay for special equipment or alterations to existing equipment to suit particular work needs arising from a disability or alterations to premises or working environment, if needed because of disability.

Further information about this programme can be found on the Government's website <https://www.gov.uk/access-to-work>

3. Employee Support

Care first, the council's confidential employee assistance provider can be contacted by the employee for support. With the employee's permission line managers may also contact Care First on their behalf.

Care first can provide counselling to employees and members of their immediate household. They can also provide advice via their information line on a wide range of subjects including benefits, housing and health.

Care first are contactable on freephone number 0800 174319 24/7, available 24 hours a day, 365 days per year or by emailing cousellingformedway.co.uk. Care first also has an online lifestyle advice and guidance service. www.care-first.co.uk

4. Disabled Workers Forum (DWF)

The Disabled Workers Forum is run by a group of employees within Medway Council who have disabilities. The group members meet on a regular basis to discuss issues affecting employees with a disability and to provide advice and support to others with a disability.

The DWF also provides valuable input in policy creation and process implementation giving the benefit of their experiences and knowledge. Any member of staff who has a disability is able to attend forum meetings providing they notify their line manager in good time for cover to be arranged if necessary

The DWF can be contacted by email dwf@medway.gov.uk

APPENDIX 2

Examples of leave that may be requested

The following is a list of some typical circumstances where requests for time off may be received. It is not intended to be either exhaustive or prescriptive. In the case where special leave is granted, the table shows recommendations on whether the special leave might be paid or unpaid. Local discretion will be applied and individual circumstances will be taken into account in reaching a decision.

The school will monitor the granting of all discretionary leave in order to assist in a periodic review of its policy.

Reason	Recommendations Whether Paid/Unpaid (if granted)
Child's graduation	Unpaid
Funeral – parent, sibling or child	Paid (Compassionate leave)
Funeral – relatives	Unpaid
Funeral - friend	Unpaid
Parent attending CAFCASS meeting	Unpaid
Dentist appointment (self)	Paid (covered in sickness absence policy)
Dental appointment (child)	Unpaid
Attendance at interview/ allowed 3 interviews	Paid
Attending court – witness	Paid
Attending Court - defendant	Paid
Moving home	Unpaid
Children's sports day	Unpaid
Jury service	Paid (less deductions for juror's allowance)
Sitting Examinations (self)	Paid (if qualification is relevant to current job)
Friend's or relatives wedding	Unpaid
Hospital appointment (self)	Paid (covered in sickness absence policy)
Hospital appointment (spouse/child)	Unpaid
Child's 6 th form interview	Unpaid
Physiotherapists appointment	Paid (covered in sickness absence policy)
Breast screening appointment	Paid (covered in sickness absence policy)
Taking a spouse to hospital after he or she has had an accident	Paid (compassionate leave)
Attending planned surgery with a spouse	Unpaid

Attending probate meeting following the death of a spouse	Paid (compassionate leave)
Taking a child to a relative's house when the child's nanny is sick	Unpaid (time off for dependants)
Attending Ante-Natal appointments	Paid (covered in maternity leave policy)