



# *Conisborough College*

## **STAFF ABSENCE POLICY**

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Date Agreed by Full Governors: 23<sup>rd</sup> September 2022

A handwritten signature in black ink, appearing to be a cursive name, positioned above the text 'Chair of Governors Signature:'.

Chair of Governors Signature:

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**PART A: SICKNESS ABSENCE MANAGEMENT POLICY & PROCEDURE**

Purpose	To provide guidance for managers on managing sickness absence
As a Lewisham manager you are expected to	<p>Take responsibility for the health, safety and wellbeing of your staff whilst at work.</p> <p>Ensure that absence levels are monitored, and appropriate action taken to reduce absence levels to ensure effective delivery of services.</p> <p>Ensure that the absence reporting procedure is followed, and that sickness absence is recorded in a timely and accurate manner.</p> <p>Keep in touch with employees during absences on sick leave and ensure that they are updated on any service developments as appropriate.</p> <p>Ensure payroll are informed promptly of any leave taken during a period of long-term absence to ensure that employees are paid at full pay for any such leave.</p> <p>Conduct effective return to work meetings after every absence and record outcomes</p> <p>Seek advice from the Occupational Health Service and take action accordingly; consider making reasonable adjustments to working arrangements as appropriate and subject to service delivery needs, to ensure effective and sustained attendance at work.</p>
The policy, procedure and accompanying guidance will help you	Manage sickness absence, help improve well-being in the workplace and improve attendance
You can get further support	<p>From HR</p> <p>From Occupational Health</p>

## **Key Principles**

- The Council aims to encourage all employees to maximise attendance at work and will consider making reasonable adjustments to the workplace and/or working arrangements in order to facilitate this. It is the Council's policy to support employees who are genuinely unwell, whilst maintaining service delivery.
- Absence from work is costly and has an adverse effect on the quality of service to the customer. It is therefore vital that sickness absence is monitored and controlled.
- Absence control is primarily achieved by line managers through the sickness absence management procedures outlined in this document.
- Managers should make sure that they take a fair and consistent approach to absence management, ensuring that decisions are objective, legal and non-discriminatory.
- Managers have a duty of care in respect of both workplace stress and other related health factors and should undertake risk assessments where appropriate. See [Managing Stress policy and Health and Safety](#)
- Employees may be represented by a trade union representative or another employee at every stage of the formal absence procedure. The employee must make her/his own arrangements for this.
- Managers should seek advice from HR before commencing formal action.
- Employees will be provided with written notification of the outcome of an Employment Review Hearing including appeal rights and reasons for dismissal where applicable.

## **Manager's responsibilities in relation to preventing and managing sickness absence.**

Managers should:

- Take responsibility for controlling and managing absence and, where necessary, reducing absence levels. Further advice and support can be provided by HR and Occupational Health.
- Take responsibility for ensuring that the absence reporting procedure is adhered to. See [Appendix A](#).
- Take responsibility for recording the sickness absence of their employees, ensuring the information is entered onto the system in a timely manner and that absence is closed promptly to avoid pay being affected.
- Take steps to minimise risks to health and identify any workplace stress factors
- Where employees are absent through sickness, maintain regular contact. This is particularly important for those staff on long term absence.
- Conduct a return to work meeting every time an employee returns from sickness absence; consider appropriate management action, and record outcomes. [Return to Work form](#)
- When recruiting new employees to the Council consider references before confirming an offer of employment to ensure that previous levels of sickness are satisfactory. Where the applicant's sickness is related to a disability this should be taken into consideration. Pregnancy related sickness should be discounted.
- Ensure that any new employees are advised of, and understand, the Council's absence management policy, the procedures for reporting absence and the Council's expectations about attendance.
- During a new employee's probationary period any sickness absence must be considered at the relevant stages within the probationary period. Where attendance gives rise for concern, but an improvement is likely, an extension of the probationary period can be considered in line with the

policy. High absence within the period could ultimately result in the employment being terminated under the probationary procedure. [Probation Policy](#)

- Where managers identify a pattern in sickness absence (such as regularly reporting sickness during a period of annual leave; just before or after a public holiday, weekend or particular day), managers should investigate the circumstances.
- When an abuse of the absence procedure has occurred, take appropriate disciplinary action with the advice of HR. [Disciplinary Policy](#).

### **Employee's responsibilities**

- Employees have a duty to ensure that they take reasonable care of their own health safety and well-being.
- Employees who are absent from work due to sickness have a responsibility to follow the Sickness Absence Reporting Procedure, to provide medical evidence as required and attend OH appointments as directed. see [Appendix B](#). Failure to comply may result in the period of absence being considered as unauthorised and may result in the withdrawal of pay and/or disciplinary action.
- Employees should take advantage of Council initiatives, and/or Occupational Health/GP advice to promote good health and well-being where appropriate.

### **Sickness during annual leave or taking annual leave during periods of long-term absence**

- Where an employee falls sick during a period of annual leave they may be regarded as being on sick leave provided that their absence has been reported promptly on the first day of absence and medical evidence has been provided. In these circumstances a doctor's certificate will be required from the first date of absence. The cost of any such certificate will be the responsibility of the employee.
- Employees on long term sickness should book leave in the usual way. Leave taken during a period of half or nil pay will be paid at full pay. Managers must ensure that payroll is advised of any leave taken during a period of half or nil pay.
- Taking leave during a period of sickness will not break the sickness absence record for statutory and occupational sick pay purposes and does not create a corresponding extension of sickness entitlement e.g. if an employee's half pay was due to expire on 31 July, taking two weeks annual leave in June does not mean that sick pay now expires on 14 August – it still expires on 31 July.
- The amount of annual leave that can be taken during sickness absence will be pro-rated to reflect the accrued annual leave entitlement at the date an employee wishes to take annual leave during sickness absence. This ensures that the employee will not be in debit.
- The right to take annual leave during sickness absence does not apply to employees absent on maternity, paternity or adoption leave.
- Untaken statutory leave which has not been taken by the end of the leave year as a result of long-term absence, can be carried over into the following leave year, but must be taken within 12 months of returning to work.
- Where an employee leaves the Council without returning to work, they will be paid any outstanding statutory leave entitlement for the annual leave year in which they leave. They will also be paid for any outstanding statutory leave which has not been taken in the previous leave years where this is as a direct result of having been on long term sickness absence.

## **Trigger Points**

*An individual employee's sickness should be monitored and reviewed on a regular basis. Trigger points have been agreed by the school to ensure consistency in the management of sickness absence.*

*Managers should take appropriate action at any stage where they have concern over an employee's health or attendance. Where appropriate, this will include a referral to Occupational Health, when the following trigger points have been reached:*

- 4 or more occurrences in 6 months: An informal meeting with the link SLT;
- 6 or more occasions in a 12-month period: A formal meeting with the Headteacher;
- 15 continuous working days absence from work: A formal meeting with the Headteacher and Lewisham HR.

## **Referral to Occupational Health**

**Managers should refer an employee for a medical assessment when:**

- A trigger has been reached
- There is concern about an employee's health in relation to their ability to carry out an aspect of their job
- Following an accident that is or is likely to cause significant absence
- When an employee is at work and is suspected of having an infectious or contagious disease advice can be provided by Occupational Health as necessary.
- Where it would be beneficial to the employee and their wellbeing.
- To review an on-going case or seek further information.
- Where retirement on ill health grounds may need to be considered
- Where an employee reports that they are absent due to work related stress or where the manager considers that the employee may be affected by stress in the workplace (**Stress Policy**)
- Where there is concern that alcohol or drugs may be affecting the employee's health or performance (**Alcohol & Drug Policy**)
- Where a pattern of absence indicates an underlying health concern

## **Process for referral**

The manager should discuss the reasons for the referral with the employee.

Where an employee is not contactable e.g., absent from work, then the manager should write to the employee confirming the reasons for the referral.

Guidance on how to complete a referral is available [here](#).

The manager should complete the **on-line** medical referral form (**OH referral form**), providing as much detail as possible including the sickness absence history, JD and the impact on service delivery. Further advice can be sought from HR.

The manager has the option of discussing individual cases with the OH Clinician immediately prior to the employee's appointment or immediately following the consultation. This enables the manager to provide the Clinician with background information in the first instance and following the OH consultation a further discussion can take places to brief the manager on the OH recommendations.

Following the consultation, an e-mail will be sent to the referring manager advising them that the report has been uploaded on to the system and that they should log in to review the consultation report.

Managers should consider the OH advice in determining what action should be taken. Further

clarification from Occupational Health may sometimes be necessary.

The manager should arrange to meet with the employee to discuss the advice received and the actions they are proposing to take. Where the employee is unable to attend the meeting due to continuing ill health a home visit should be considered. Alternatively, where it is not possible to meet with the employee the manager should write to them.

### **Possible outcome of OH Referral**

- **No underlying medical condition, the manager will need to consider appropriate action**
- Adjusted duties (Where the manager considers this to be reasonable or feasible)
- Phased return (Where this can be reasonably accommodated)
- Medical redeployment –([Redeployment Policy](#))
- Ill health retirement

This list is not exhaustive, and the outcome will depend on the individual circumstance.

### **Phased return to work**

The purpose of a phased return to work is to enable the employee to return from a period of sickness absence to their full contractual hours where their medical condition, as confirmed by Occupational Health, prevents immediate return to normal working arrangements.

A phased return to work will not be an automatic right, because it will be subject to:

- the service area being able to accommodate the arrangements taking into account the employee's role and service needs
- time limits and taking into account any cover requirements
- taking into account medical advice received from the Occupational Health Service but the decision to allow a phased return will rest with management
- during a period of phased return, any non-working days/ hours, will need to be taken as annual leave, unpaid leave, flexi or TOIL.

### **Ill Health Retirement**

An occupational health physician who is an independent doctor (OHP) is the only authorised person within the Council who can recommend to management that an employee's contract of employment should be terminated owing to permanent ill health. The actual *decision* on ill-health retirement will be taken by the appropriate line manager (normally 1st/2nd/3rd tier) in light of the *recommendation* from the OHP that the employee be retired on ill-health grounds. Where the OHP recommends that the employee is not permanently unfit, ill-health retirement will not be an option. In these circumstances the manager should seek advice from HR on what further action should be taken.

Where a decision to retire an employee on ill-health grounds has been confirmed by the manager, HR will write to the employee concerned outlining the process and their right of appeal. The Pensions section will provide advice on any pension benefits resulting from the ill-health retirement.

An employee may appeal against the recommendation made by the OHP on whether he/she should be retired on grounds of permanent ill health. The appeal which should be supported by appropriate medical evidence should be submitted to HR normally within 10 days of being notified of the OHP decision. HR will refer the case back to the OHP for review by another independent doctor. The decision reached by the independent doctor will be final and there will be no further right of appeal on the OHP's recommendation.

## **Differences of medical opinion**

If there is a difference of medical opinion between OH and an employee's own doctor (e.g., whether the employee is fit to return to work or not).

- OH should be made aware of the difference of opinion
- OH and the employee's doctor may liaise with a view to resolving the difference
- In the event that there continues to be a difference, the manager may ask OH to seek a further medical opinion.

## **Medical suspension**

In exceptional circumstances, employees may be suspended for medical reasons while further information on the employee's fitness for work is obtained. Medical suspension must be reviewed as soon as medical information is available. Managers should always seek guidance from HR and OH before medically suspending an employee.

During medical suspension an employee will continue to receive their normal pay.

Medical suspension should not be used as a means to circumvent normal sick pay. Neither should it be used while attempts are being made to redeploy an employee on health grounds.

## **Terminal illness**

If a line manager becomes aware that an employee's absence is due to terminal illness, advice should be sought from HR.

People are affected differently by the knowledge that they are terminally ill. Some may wish to continue working for as long as they are able while others may find it impossible to remain at work. Cases will be dealt with on an individual basis, giving the employee's interests serious consideration whilst balancing this with the needs of the service

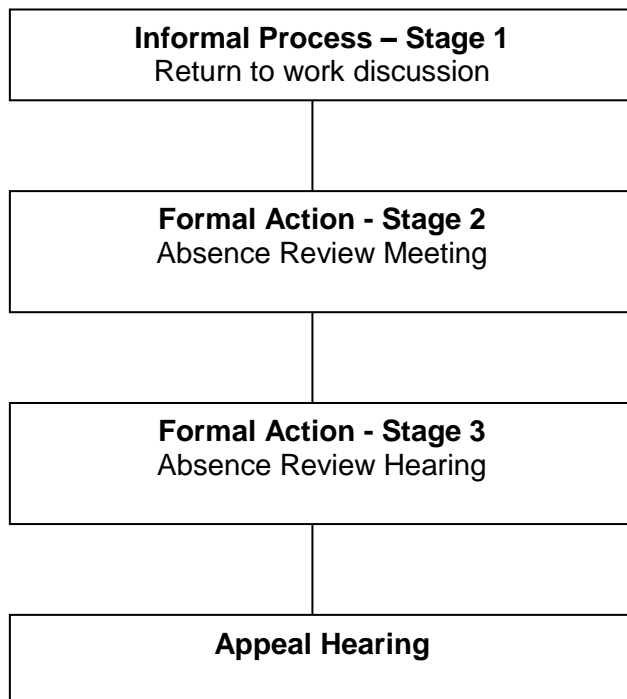
The employee may not be aware that the illness is terminal if the medical practitioner has decided that it is not in the person's best interest to be informed of their condition. Where a manager is advised that this is the case, this must be respected.

Where possible the Council will aim to ensure the best financial position for the employee. Advice should be sought from the Pensions Team.



## **Procedure for Managing Absence**

*There are 3 stages that can be considered in managing absence. Different Stages will apply in different circumstances. For example, where concerns relate to regular periods of absence, it is likely that all 3 Stages will apply. However, there may be circumstances (such as with long term absence) where it is more appropriate to proceed to Stage 2 or 3. The Stages are not therefore consecutive in all circumstances.*



### ***Informal Process – Stage 1***

If an employee's sickness record is not causing concern (e.g., it is unusual for them to have sickness absence), the return-to-work meeting will focus on recognising this and checking if there is anything the manager needs to be aware of or that the employee needs to be updated on.

If an employee has reached a trigger point or there is cause for concern, managers should try and resolve the issues by taking informal action through discussion at a return-to-work meeting addressing:

- The nature and the cause of illness
- Any support that the manager can provide, or advice from OH that may support improved attendance
- The length and pattern of absence to date
- The likely length of the illness and / or its recurrence
- The likely impact on future attendance
- The impact on service delivery and colleagues
- Any work-related matters which may be affecting attendance

As part of this informal process managers should advise the employee that their attendance is causing concern and that they will expect to see a significant improvement. The manager should advise the employee that they will be monitoring attendance. A reasonable monitoring/review period should be set. The discussion and any review period should be confirmed in writing. A copy of the letter should be retained on the personal file.

Further instances of sickness may also be dealt with through the informal process, including setting further review periods, if the manager considers this to be appropriate. However, where attendance remains a concern, the manager should move to Stage 2 (formal action)

It is not necessary to wait until the end of the Stage 1 monitoring period before moving to Stage 2. If, for

example, there is insufficient improvement during the monitoring period, or a worsening of attendance levels, the manager may decide to proceed immediately to Stage 2 (Formal action).

If, as a result of the informal process, attendance levels improve to an acceptable standard, this should be confirmed in writing.

There may be circumstances where it is appropriate to move directly to an Absence Review Hearing (Stage 3) for example, where an employee has been absent for some time and there is no indication of a return to work.

### **Formal Process**

The formal process has two stages:

- Absence review meeting – Stage 2
- Absence Review Hearing – Stage 3

Timescales for each stage will depend on individual circumstances. The point at which a manager decides to move an employee to the next stage of the procedure will vary from case to case. Factors to take into account include:

- what is causing the absence
- what affect the absence is having on service delivery and/or colleagues.
- what additional support could be given.
- whether or not attendance has improved as a result of the informal processes.

### **Absence Review Meeting – Stage 2**

Employees will be required to attend an Absence Review Meeting in the following circumstances:

- sickness absence levels are of concern
- there has been a recurrence of unsatisfactory attendance previously addressed through the informal process; or
- following earlier discussions of an informal nature the required attendance levels have not been attained
- there is an ongoing adverse impact on service delivery and/or colleagues.

The manager will convene an Absence Review Meeting giving 5 working days' notice.

The employee should be advised in writing of the arrangements for the meeting (see example letters). This should include:

- the reason for the formal meeting and who will be attending.
- a reminder that the employee can bring a trade union or work colleague to the formal meeting and that the employee should make their own arrangements for representation.
- a copy of the Sickness Absence Management Procedure.

At the meeting the manager should explain the reasons for their concerns and discuss what action might be appropriate to improve attendance levels. The manager will set a formal review period. The manager should advise the employee that failure to achieve satisfactory attendance could lead to referral to a formal Absence Review Hearing, which may result in termination of the contract of employment on the grounds of ill health capability. This should be confirmed in writing and a copy placed on the personal file. (See example letters). If the employee wishes to respond, this should also be placed on the personal file.

### **Potential outcomes at Stage 2**

At the end of the review period the manager should meet with the employee (and trade union representative/work colleague if they wish to be accompanied).

**The manager, having taken into account all the relevant factors of the case, may decide:**

- Attendance is now satisfactory, and confirm this in writing
- Satisfactory attendance has not been maintained

If the manager considers that there is no reasonable further action that could be taken to improve the employee's sickness levels, then the matter should be referred to an Absence Review hearing.

### **Absence Review Hearing – Stage 3**

The purpose of the Absence Review Hearing is to consider:

- Extent and nature of the sickness absence
- Any action already taken
- Impact on the service and colleagues
- Any medical evidence and whether any reasonable adjustments have been considered if appropriate
- Any circumstances/information put forward by the employee/their Trade Union representative/work colleague
- HR will make the necessary arrangements for the Absence Review Hearing. Wherever possible the Hearing Officer should be senior to the presenting officer and should always be at least the same grade. Only where there is clear evidence to justify appointing an alternative Hearing Officer will this be considered. If the employee or trade union has any concerns about the impartiality of the Hearing Officer, then this should be referred to the Head of HR for consideration. The Manager will write to the employee setting out the arrangements with copies of any documentation. The letter should be sent to the employee no later than 5 working days before the hearing
- The employee should be advised that if they are held to be incapable of performing their duties then a possible outcome could be dismissal from the Council's service.
- The employee is entitled to be represented at the Hearing by a trade union representative or work colleague.
- Where an employee has reasonably requested to be accompanied at a hearing and his/her representative is unable to attend on the notified date, he/she has the right to request a postponement of the hearing for a period of up to 5 working days following the day after the date which had previously been set. In this event a new date should be arranged as quickly as possible. A request for a postponement should be made as soon as possible after notification of the hearing date.
- If an employee fails to attend the hearing through circumstances outside their control and unforeseeable at the time of the hearing was arranged (e.g. hospitalisation) then another date may be arranged. If the employee fails to attend the re-arranged hearing then the Hearing Officer, having consulted with HR and sought the views of the union representative (where present at the Hearing), has the discretion to proceed in the employees' absence. When exercising this discretion the Hearing Officer should take into account all the relevant facts including, the employee's personal circumstances, medical evidence and the number of postponements previously made.
- The employee must provide any documents they intend to rely on as early as possible, but no later than 2 full working days before the hearing.
- A management note taker will also attend the hearing. The note taker's role is confined to taking notes of the proceedings. The Hearing Officer should arrange for attendance of the note taker
- The Procedure to be followed at Absence Review Hearing can be found at [Appendix C](#).
- The Hearing Officer should ensure that all the relevant facts have been presented by both parties and may decide that further information is required. The Hearing Officer will make the final decision on any matters raised at the hearing.

### Potential outcomes at Stage 3

In reaching a decision the Hearing officer will consider the following where relevant to the circumstances:

- Any action taken to improve the employee's attendance
- The impact and consequences of the absence
- Up to date medical evidence and (if relevant) any reasonable adjustments
- The employee's length of service
- The results of any review period(s) – where relevant
- Any mitigating circumstances

Possible outcomes may include:

- ❖ A further and final period of review - to determine whether the employee can meet and maintain a satisfactory level of attendance. Where this occurs the employee should be informed that failure to reach a satisfactory level of attendance will lead to a further hearing the outcome of which could be dismissal. Failure to maintain satisfactory attendance will result in the hearing being reconvened and the outcome could be dismissal.
- ❖ Consideration of alternative employment: If in reaching their decision the Hearing Officer considers that alternative employment is an option, they will explore this possibility with HR. If alternative employment is not available, they will confirm in the outcome letter that they have considered this possibility but that their decision is to dismiss. In such circumstances consideration of alternative employment may continue to be explored during the notice period should the employee subsequently be dismissed. Where alternative employment has been identified the Hearing Officer will write to the employee advising them of their decision to dismiss them from their substantive post but offering them the alternative post. Should the employee not accept the alternative post the decision to dismiss will stand. Where the employee accepts the post, they will remain under formal sickness absence monitoring and any outstanding time remaining for review will transfer to the new manager. The salary and terms will be those of the new alternative post.
- Dismissal: The Hearing Officer may decide to dismiss the employee.

### Notifying the employee of the outcome

- The employee should be informed of the outcome in writing, normally within 5 working days of the hearing.
- If the decision of the Hearing Officer is to dismiss the employee, dismissal will be with the appropriate period of notice. The employee will be entitled to be paid their normal rate of pay during their notice period. If the employee is off sick, they will be required to continue to provide medical certificates during the notice period. The employee should book leave in the usual way during the notice period. Any outstanding statutory leave will be paid in the final salary payment.
- In exceptional circumstances pay in lieu of notice may be considered.

## Appeal Process

- An employee has 10 working days from the date of the dismissal letter to appeal against the Hearing Officer's decision. The letter should be sent first class and where possible by email.
- Appeals are normally by way of review rather than rehearing i.e., the Appeal Hearing Officer should come to a decision as to whether or not the Hearing Officer made a reasonable decision on the basis of the evidence put before him/her at the time. The letter of appeal should be sent to the appropriate Executive Director with full details of the grounds for appeal. Whilst there is an entitlement to an appeal, there will not be an Appeal Hearing unless the employee clearly sets out the grounds of appeal and outlines the reasons why he/she believes that the decision taken was unfair.
- If sufficient details are not provided, then HR will ask the employee for further clarification. The information should be provided by no later than 20 working days from the registration of the appeal. If the information is not provided within the required timescale, then the appeal will not normally be heard.
- HR will make the necessary arrangements for the appeal to be heard by the Executive Director or senior nominated officer as soon as possible but normally within 20 working days of receiving the appeal. HR will attend all Appeal Hearings.
- It is important that the Appeal Hearing Officer is impartial and has not been involved in the case previously. If the employee or trade union representative has any concerns about the impartiality of the proposed Appeal Hearing Officer then this should be referred to the Head of HR for consideration. Only where there is clear evidence to justify appointing an alternative Appeal Hearing Officer will this be considered
- The employee will have the right to representation by a trade union official or work colleague at the Appeal Hearing. It is the employee's responsibility to arrange this.
- Where an employee has reasonably requested to be accompanied at a hearing and his/her representative is unable to attend on the notified date, he/she has the right to request a postponement of the hearing for a period of up to 5 working days following the day after the date which had previously been set. In this event a new date should be arranged as quickly as possible. A request for a postponement should be made as soon as possible after notification of the hearing date.
- If an employee fails to attend the appeal hearing through circumstances outside their control and unforeseeable at the time of the hearing was arranged (e.g. hospitalisation) then another date may be arranged. If the employee fails to attend the re-arranged appeal hearing then the Appeal Hearing Officer, having consulted the HR Advisor and sought the views of the union representative (where present at the Hearing), has the discretion to proceed in the employees' absence. When exercising this discretion the Appeal Hearing Officer should take into account all the relevant facts including, the employee's personal circumstances, medical evidence and the number of postponements previously made.
- The employee will be given not less than 5 working days' notice of the hearing and will be provided with a copy of all the documentary evidence. New evidence will not be allowed save in exceptional circumstances, at the discretion of the Appeal Hearing Officer.
- The Hearing Officer at the original Hearing will normally present management's case to the Appeal Hearing Officer.

## **Notifying the employee of the outcome of an appeal**

- The employee should be informed of the outcome in writing, normally within 5 working days of the hearing. There is no further right of appeal. HR will be able to advise on the content of the outcome letter.

## **Effect of reinstatement**

- Should the Appeal Hearing Officer decide to re-instate the employee they will return to their original post, for pay purposes, with effect from the date of dismissal.
- Should the Appeal Hearing Officer decide to reengage the employee to a different post with the employee's agreement then, the date of the reengagement will apply from the start date in the new post. The terms and conditions applicable to the new post arising from the transfer will apply.
- If the employee was in receipt of state benefits then he/she will be expected to notify the appropriate Agency of their reinstatement and to repay any benefits received.

## PART B: LEAVE OF ABSENCE MANAGEMENT POLICY AND PROCEDURE

### 1. Objective and Scope

This is a model leave of absence policy to assist Headteachers and Governing Bodies of Schools in making decisions about requests for leave in accordance with legal, contractual and moral obligations.

This policy covers annual leave, family leave and miscellaneous leave. A principal purpose in setting out this policy is to ensure that requests are dealt with fairly and consistently.

The policy applies to all employees of the school. This policy does not form part of any employees' contract of employment.

### 2. Principles

- Annual leave and occupational sick leave will be in accordance with the relevant conditions of service for teachers and support staff.
- Other leave of absence will normally be on an unpaid basis, unless otherwise specified.
- All leave allowances should be applied pro rata to an employee's contracted hours, unless otherwise stated.
- The operational needs of the school will be paramount and, except in emergency circumstances, adequate notice of a request for leave of absence must be given.
- The responsibility for exercising discretion on behalf of the Governing Body is the Headteacher's, in accordance with the professional duties defined in the School Teachers Pay and Conditions Document.
- Any dispute or grievance about a request for leave of absence or payment during leave of absence will be dealt with through the School's Grievance Procedure; there is no right of appeal to a leave request being declined.
- All requests for leave must be submitted to provide the school with reasonable notice.
- It should not be assumed approval has been given until a response has been provided by the Headteacher. Leave is unlikely to be considered when 3 or more staff are out on any particular day.
- Where the request for leave concerns the Headteacher requests should be made to the Chair of Governors.

### 3. Annual Leave Entitlement for Employees covered by Local Government Terms and Conditions

For support staff contracted to work for 52 weeks per year, the leave entitlement is dependent on grade and continuous Local Government service. See Appendix H. This leave will normally be taken during the school holidays and must be agreed with the Headteacher or nominated person in reasonable time, prior to the leave being taken. Only in exceptional circumstances and with the express consent of the Headteacher, can leave be taken at other times. Support staff may carry forward up to 5 days to the next annual leave year, provided this is done with the Headteacher's consent and leave is taken prior to 31<sup>st</sup> May.

**Staff will not be permitted to take leave during the term unless express consent from the Headteacher has been given. If leave is granted, this will be unpaid for term-time only staff.**

All employees should make partners aware that, as a rule, time off in term time will not be granted to avoid costs incurred from the cancellation of surprise holidays for birthdays or anniversaries.

### 4. Teachers' Working Time

A Teacher employed full-time must be available for work for 195 days in any school year. 190 of those days must be days of which he/she may be required to teach pupils and perform other duties and 5 days' must be days on which he/she may only be required to perform other duties. The same applies for a teacher employed part-time, except the number of hours he/she must be available for work must be a proportion of full-time hours.

In addition to the hours a teacher is required to be available for work, he/she must work such reasonable additional hours as may be necessary to enable him/her to discharge effectively his/her professional duties.

These provisions do not apply to employees on either the Leadership or Leading Practitioner pay ranges or those acting up in such a role.

## **5. Special Occasional Leave of Absence**

The school's policy as agreed by the Governing Body is:

### **5.1 Disability Leave (*only applicable to support staff employed on the Lewisham Collective Agreement terms and conditions*)**

For support staff employees only, who have declared to their employer a disability as defined by the Equalities Act 2010, up to 5 days' paid disability leave may be granted (pro rata for part time employees).

Reasons for using disability leave might include:

- Attending a doctor's or complementary medicine practitioner's appointments
- Assessment for conditions such as dyslexia
- Hearing aid tests
- Training with guide or hearing dog
- Counselling/ therapeutic treatment or recovery time after blood transfusion or dialysis
- Treatment for physiotherapy (sessional or residential)

Disability leave may not be used to cover an absence due to ill health.

### **5.2 Time off for a sick child or dependent**

Absence to care for a sick child or dependent will be unpaid.

In exceptional circumstances compassionate, emergency or exceptional leave may be used for the first day of absence only (see 5.3). This would typically relate to the hospitalisation of the child.

### **5.3 Compassionate, Emergency or Exceptional Leave**

Noting the provision set out in 5.2, emergency and discretionary leave enables employees to take time off work to deal with an unexpected or sudden emergency involving a dependent. The leave is to deal with the immediate issues and to sort out long term arrangements if necessary. The circumstances that enable employees to take emergency and discretionary leave are:

- Providing assistance where a dependent falls seriously ill, gives birth, is injured or assaulted
- Making arrangements for the care of the dependent who is seriously ill or injured.
- The death of a dependent.
- The care of the dependent has unexpectedly been disrupted or terminated.
- There is an unexpected incident involving the child of an employee whilst at school.

A dependent is a spouse, child, foster child, parent, relative or partner living in the same household as the employee (it excludes tenants, lodgers or boarders of the employee). A dependent also includes any person who reasonably relies on the employee to make arrangements for the provision of their care, e.g., partner who does not co-habit.

Leave to attend funerals is limited to the funeral of an immediate family member of the employee only (parents, a spouse, sibling, grandparent or child).

An employee must notify their line manager as soon as practically possible in the event of an emergency. The Headteacher may approve up to five days' paid leave per leave year (pro rata for part timers) for emergency and discretionary leave.



For most cases, one or two days are reasonable to deal with a problem. The time off is to enable an employee to cope with a crisis, to deal with the immediate care and where necessary to make longer term care arrangements for the dependent. Where paid leave is granted only the first day of absence will usually be paid in any one period of absence, unless discretion is applied by the Headteacher.

#### **5.4 Other personal reasons**

Exceptionally, there may be other personal reasons for requesting leave of absence. Usually these will be one off event affecting family. An example might be attendance at a child's graduation ceremony. Such leave, where granted, will normally be unpaid and subject to adequate notice so that replacement staff can be employed if necessary.

Holidays to celebrate anniversaries, birthdays and such like are not considered to be one off.

#### **5.5 Career Break/Extended leave of absence**

Requests for longer periods of leave will be considered on an unpaid basis, for example, in the case of a lengthy period of caring for a chronically sick, disabled, or terminally ill, dependent relative. Extended leave can be for up to a year in duration. Sufficient notice that allows the appointment of a replacement should be given wherever possible. Further guidance on Career Breaks is set out in appendix I.

#### **5.6 Moving house**

Up to 2 days' unpaid leave will be granted.

#### **5.7 Service with Auxiliary Forces**

Reservists are required to inform their line manager that they are a member of the Reserve Forces. Reservist employees will also be required to grant permission for the Ministry of Defence (MoD) to write to the Headteacher to make sure the school are aware and provide details of mobilisation obligations and rights as an employee reservist.

Reservist training normally takes place during evenings and weekends. Line managers may however grant up to 5 days leave at their discretion where training falls within an employee's normal working hours.

Additionally, up to 2 weeks per year can be granted to attend 'annual camp'. Employees are required to give as much notice as possible for annual camp in order for line managers to arrange appropriate cover.

Leave may be refused if it would have a detrimental impact on service delivery. In any case teachers and other classroom-based staff will only granted paid leave if the force's unit cannot arrange exercises during holiday periods.

#### **5.8 Mobilisation**

Mobilisation is the process of calling Reservists into full-time service to serve alongside the Regular Armed Forces on operations. The Ministry of Defence aims to give as much notice as possible of mobilisation (but at least 28 days). In circumstances where a reservist employee is mobilised, they will not be paid by the school and should be placed on a Career break for payroll purposes to ensure their continuous service is not broken.

If an employee who is mobilised wishes to remain in the LGPS the school's payroll provider should be informed who will calculate the number of contributions that the employee and the Ministry of Defence (MoD) must pay. For Teachers the relevant form must be completed, available online at [teachers.pensions.com](http://teachers.pensions.com).

For further information on mobilisation, please refer to the SaBRE (Supporting Britain's Reservists and Employers) website: [www.sabre.mod.uk](http://www.sabre.mod.uk)

## **5.9 Carry-over of annual leave**

The school expects employees who are covered by Local Government terms and conditions of employment to take their full entitlement of leave in each leave year, which runs from April to March. Where this is not possible, with the knowledge of and by arrangement with the Headteacher, employees may carry forward 5 days to the next annual leave year, provided this is taken prior to 31 May.

## **5.10 Religious Festivals**

Where staff can show that they are bona fide adherents of any organised religion and that they require leave for the purpose of an official holy day, the Governing Body will allow up to 2 days' leave. Staff taking such leave will be asked to make up this time at a later date or if this is not possible any leave granted should be unpaid.

## **5.11 Sporting Events**

Where staff can show they are representing their country they should write to the Headteacher so that arrangements can be made for paid or unpaid leave.

## **5.12 Attendance at Court Proceedings**

### **5.12.1 Jury Service**

Employees will be notified of a requirement to carry out Jury Service by letter from the courts. A copy of this letter should be given to their line manager and a request made for the absence from work.

Unless the absence would have a serious impact on the business then the school recognises that it must approve the time off.

Employees will receive normal pay during the period of Jury Service on the condition that any payments received from the court for loss of earnings are paid back to the school. The court will normally provide individuals with a 'Loss of Earnings' form which should be sent to the school and subsequently to the school's payroll provider who will complete and return to the individual to submit to the court.

Once the court confirm how much they will pay for loss of earnings (normally on a Remittance Advice slip) a copy should be sent to the school to be passed to the payroll provider who will deduct the relevant amount from the next monthly pay. Failure to return the Remittance Advice slip will be investigated and could be considered Gross Misconduct under the Disciplinary Policy and Procedure.

### **5.12.2 Witness summonses and subpoenas**

Staff subject to a witness summons or subpoena will be allowed paid time off work to attend court, as much notice of such a requirement should be given.

## **5.13 Public Duties**

School employees may be granted up to 18 days per annum paid leave to carry out the duties of the office of Leader, Mayor, JP or Chairman of Local Authorities. For employees who are School or College Governors, up to 3 days per annum will be paid. In addition to this, unpaid leave can be granted for employees carrying out public duties.

## **5.14 Study/Examination Leave**

For employees who are sitting examinations relevant to their current post or career, providing the school is paying the fees, half a day study per examination plus half a day per examination will be paid.

### **5.15 GCSE Duties & Activities**

For Teachers who are engaged in activities for examining groups, please refer to appendix II of the Burgundy Book, Memorandum of Agreement for the Release of Teachers.

### **5.16 Time off for Trade Union duties**

The school recognises the legal requirement for employers to allow reasonable time off work for the school's elected representatives of recognised trade unions to carry out their duties in the school in which they are elected. Duties that warrant time off with pay include:

- consultation on terms and conditions of employment or the physical conditions of work.
- consultation on recruitment and selection policies, redundancy and dismissal arrangements.
- meetings with school management or LA officers on matters of joint concern.
- representing a union member at a grievance or disciplinary hearing.
- attendance at relevant training courses organised by the trade union.

The County Council has a separate agreement with Trade Unions and Professional Associations to provide paid time off for their county representatives. The nominated county representatives are allowed pre-agreed, time off each week to carry out their duties and the school is reimbursed from a council budget.

### **5.17 Bad weather conditions**

There may be circumstances when the employee is unable to attend work due to bad weather, but the school remains open as usual. All reasonable effort should be made to attend work. Alternative arrangements may be agreed with the Headteacher, e.g., working from home or at a different location. Where this is not possible, non-attendance will normally be treated as unpaid leave.

### **5.18 Time off for medical appointments**

The school will allow reasonable paid time-off for employees to attend medical appointments, which are unable to be arranged out of working hours. Before arranging non-urgent doctor's medical appointments, employees should seek the approval of their Headteacher if it is necessary to take time off work. Employees should make every attempt to make these appointments at the beginning or end of the day or during lunch breaks to minimise the time they have to be absent from work.

Routine doctors or dentist's appointments e.g., check-ups should not be taken during term time or working time for those working in holiday periods.

Elective procedures should be arranged during holiday periods and will usually be unpaid.

## **6. Maternity, Paternity, Adoption Carers Leave and Antenatal care**

There are specific entitlements for maternity, paternity, adoption, carer's leave and antenatal care contained in the Carers Guide for Schools, a copy of which can be obtained from the school office or on the grid.

## **7. In Vitro Fertilisation (IVF)**

All employees, regardless of hours worked or length of service, are entitled to 5 days paid leave per annum (pro rata for part time employees) for the purpose of attending IVF appointments and undergoing fertility treatment. The Headteacher may also grant unpaid leave at their discretion.

## **8. Interviews**

The Governing Body recognises the increasing tendency for prospective employers to require interviewees to attend for more than one day, especially for school management posts. There is also a growing tendency to expect prospective candidates to undertake a preliminary visit before the formal interviews.

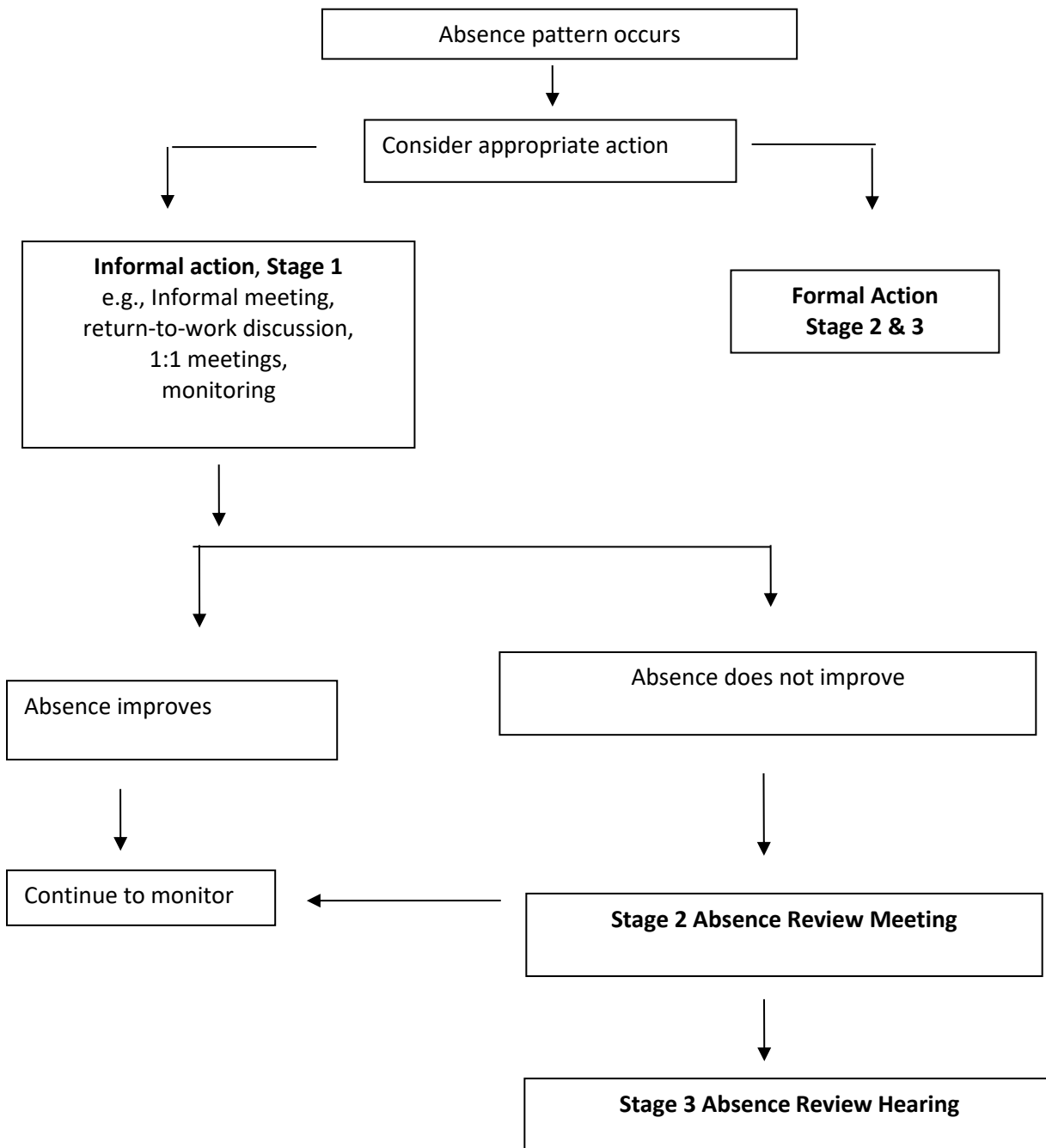
In order to maintain a fair balance between the operational needs of the school and to minimise the burden on other staff, and to be fair to employees who will be seeking to further their career in the education sector, the Governing Body will grant leave of absence for interviews as follows:

- a) The Headteacher is empowered to approve up to a maximum of 5 days paid leave of absence for interviews, to cover both formal and informal stages of the process, during any one academic year.
- b) Further leave of absence for this purpose will normally be agreed and will be on an unpaid basis.
- c) For support staff any days beyond the initial 5 days could be made up during holiday periods, instead of being on an unpaid basis, provided that their work can be carried out during holiday time.

## **9. Unauthorised Absence**

If an employee takes leave of absence without the prior consent of the Headteacher this will be investigated and could be considered Gross Misconduct under the Disciplinary Policy and Procedure.

## APPENDIX A: Managing Sickness Absence Flowchart



## APPENDIX B

### REPORTING ABSENCE PROCEDURE

The following procedure (adapting as necessary to meet service needs) should be adhered to by all employees who are absent due to sickness.

Unless there is an exceptional reason e.g., in an emergency, or where the employee is hospitalised, employees are required to telephone and report any absence directly to their line manager, promptly at the beginning of their working day and no later than one hour after the start of their working day. Another manager may be nominated to receive calls relating to non-attendance if the line manager is not at work.

It is not acceptable to report reasons for absence by text messages, voice or e mail, or to a colleague.

**Day 1** - Upon receiving a telephone call from an employee the manager should ascertain:

- the nature of the illness
- likely duration of absence
- work related issues that may need to be picked up
- agree when and how the next contact will be made, if necessary

#### **Sickness absence of 1-3 days**

Classified as **uncertificated** sickness. Note that the entitlement to uncertificated sickness is discretionary should the manager consider that the sickness is not genuine.

#### **Sickness absence of 4-7 days**

Classified as **self-certificated sickness**. A self-certificate should be forwarded to the manager to cover this period. Payment of occupational sick pay may be dependent on completion of the form.

#### **Sickness absence for 8 days or more**

Classified as **medically certificated sickness**. The employee must obtain a medical certificate (**Fit note**) from their GP and forward this promptly to their manager.

**Further sickness** should be covered by medical certificates (Fit note) at the appropriate time and forwarded to the manager. Note that a final medical certificate should indicate that the employee does not need to be assessed again by the GP before returning to work.

## APPENDIX C

### Step by Step Guide to the Absence Review Hearing procedure

#### STEP 1

- **The Hearing Officer should ensure that there is a management note taker.**
- **The Hearing Officer:**
  - Introduces all parties
  - Explains the procedure to be followed
  - Confirms that the proceedings should not be recorded by any of the parties present
  - Can disallow irrelevant or repetitive questioning

#### STEP 2

**The presenting manager presents the facts of the case on behalf of management.**

#### STEP 3

**Employee/representative asks questions of the presenting manager**

#### STEP 4

**The Hearing Officer asks questions of the presenting manager**

#### STEP 5

**The HR Adviser may ask questions of the presenting manager**

### EMPLOYEE'S PRESENTATION

#### STEP 6

**Employee/representative presents employee's side of the case**

#### STEP 8

**Presenting manager asks questions on the presentation**

#### STEP 9

**Hearing Officer asks questions on the presentation**

#### STEP 10

**HR Adviser may ask questions on the presentation**

### SUMMING UP

**STEP 11**

**Presenting manager sums up first  
Employee or representative sums up next.  
No new evidence can be presented at this stage**

**STEP 12**

**All parties withdraw apart from the Hearing Officer, HR adviser and notetaker. The Hearing Officer will advise the parties whether they need to wait to be recalled for the decision.**

## **DELIBERATION**

**STEP 13**

**Hearing Officer reaches a decision on the basis of the evidence presented. HR adviser will provide advice as necessary. The Hearing Officer should make a note of the reasoning behind his/her decision and keep this carefully filed for future reference if need be.**

## **DECISION**

**STEP 14**

**The Hearing Officer may give the decision verbally at the end of the Hearing or in writing later. In any event the decision must be confirmed in writing together with the appeal rights, within 5 days of the Hearing.**



## APPENDIX D

### Step by Step Guide to the Absence Review Appeal Hearing procedure

#### STEP 1

**The Appeal Hearing Officer should ensure that there is a management note taker.**

**The Appeal Hearing Officer:**

- Introduces all parties
- Explains the procedure to be followed
- Confirms that the proceedings should not be recorded by any of the parties present
- Can disallow irrelevant or repetitive questioning

#### STEP 2

**The appellant or representative presents the grounds of the appeal**

#### STEP 3

**The presenting manager may ask questions of the appellant/representative on the grounds of the appeal.**

#### STEP 4

**The Appeal Hearing Officer may ask questions of the appellant/representative on the grounds of the appeal**

#### STEP 5

**HR may ask questions of the appellant/representative on the grounds of the appeal.**

### MANAGEMENT PRESENTATION

#### STEP 6

**The presenting manager presents management's case in response to the appeal**

#### STEP 7

**The appellant or representative may ask questions of the presenting manager.**

#### STEP 8

**The Appeal Hearing Officer may ask questions of the presenting manager.**

#### STEP 9

**HR may ask questions of the presenting manager**

The Appeal Hearing Officer introduces all parties to each witness and explains procedure

Step 15 – Step 19 followed for each witness in turn.

## **SUMMING UP**

### **STEP 10**

**Presenting manager sums up first  
Employee or representative sums up next.  
No new evidence can be presented at this stage**

### **STEP 11**

**All parties withdraw apart from the Appeal Hearing Officer, HR Adviser and note taker. The Appeal Hearing Officer will advise the parties whether they need to wait to be recalled for the decision.**

## **DELIBERATION**

### **STEP 12**

**The Appeal Hearing Officer reaches a decision on the basis of the evidence presented. HR will provide advice as necessary. The Appeal Hearing Officer should make a note of the reasoning behind their decision and keep this carefully filed for future reference if need be.**

## **DECISION**

### **STEP 23**

**The Appeal Hearing Officer may give the decision verbally at the end of the Hearing or in writing later. In any event the decision must be confirmed in writing, within 5 days of the Appeal Hearing.**

**There is no further right of appeal.**

## APPENDIX E

*Letters in this Appendix are examples and will need to be adapted to suit individual circumstances.*

**Example of letter setting standards for improvement (can be used at either Stage 1 or 2). A Stage 2 letter should also include the paragraph shown in bold**

Dear Employee

I refer to our discussion on (xxx) concerning the level of your sickness absence.

At this meeting I explained that your absence record showed that over the past 3 months (from xxx to xxx) you have had 4 periods of absence totaling 15 days.

We discussed the reasons for your absence and agreed that an assessment of your workstation should be undertaken to see whether any adjustments to your computer equipment/office furniture can be made to ease your arthritis. The assessment should take place within the next two weeks, and I will let you know as soon the arrangements have been confirmed.

We also agreed that your case should be referred to the Occupational Health Physician for further advice.

I explained that your current level of absence is unsatisfactory and is having an adverse effect on your work as xxxxx We agreed that I would monitor your attendance over the next xx weeks/months during which time I expect to see a significant improvement in your attendance.

I will meet with you again when the outcome of the workplace assessment is known and when I have received advice from the Occupational Health Physician. We will then meet every xxx weeks thereafter to review your attendance.

**If there is no significant improvement in your attendance during this review period, you may be referred to a formal Absence Review Hearing which may result in your dismissal on grounds of ill health capability.**

If you have any queries or require any further information at this stage, then please let me know.

Yours sincerely,

Manager  
(Cc HR)

### ***Example of Invite letter to Absence Review Hearing***

Dear

#### **Re: Absence Review Hearing, (date)**

You are invited to attend a hearing, on (date) at (time) in room (room), (address). Please report to (reception) reception on your arrival and call the number on this letterhead.

The purpose of the hearing will be to consider your long-term ability to discharge the terms of your contract of employment with the Council, taking into consideration EITHER your continuous absence ) since (date ) AND/OR whether the level of your sickness absences are unacceptable and can no longer be sustained due to your frequent short term absences due to ill health from work over the period from, to).

The hearing will be chaired by (name), (title) and the facts of the case will be put forward by (name), (title). (name) Senior HR Adviser will also be present. I enclose copies of documentation which will be referred to. You are entitled if you so wish, to be represented by a work colleague or trade union representative. It is your responsibility to make arrangements for representation.

Please also let me have the names of any witnesses who you wish to call and copies of any correspondence you intend to present at the hearing. These documents should be submitted to (name), Human Resources by (date) (2 full working dates prior to the hearing)

I should advise you that, if it is decided (you cannot fulfil your contract of employment with the Council due to ill health) (and) or (the level of your sickness absence is unacceptable and cannot be sustained), then you may be dismissed from the Council's service on the grounds of capability.

If you do not attend the hearing and do not give an explanation, which the Hearing Officer considers satisfactory, the hearing may proceed in your absence. If, therefore, you are not able to attend the hearing please let me know in writing or email giving your reasons and giving me as much notice as possible.

Please let me know by (insert date – at least 2 days before the hearing) if there are any adjustments or other support you may require for the hearing so that we can ensure suitable arrangements are put in place.

If you have any queries regarding this letter, please do not hesitate to contact me.

Yours sincerely

**Name Surname**

## Example of Letter to inform employee that they are being referred to Occupational health

Dear.....

Further to our recent conversation I am writing to confirm that due to the length of time you have been absent/frequent absence/nature of absence. I will be referring you to the Council's Occupational Health Adviser. The Occupational Health service will contact you directly to make an appointment

The reason for this referral is XXXXXX (support/advice/prognosis etc.).

If you feel you are not well enough to attend, it is important that you notify the occupational health service on 0208 314 8300 or 0203 829 5555 so that alternative arrangements can be made.

Should you have any queries on the above please do not hesitate to contact me on the above telephone number.

I would like to reassure you that the referral is in line with Council policy regarding staff absence and the report from Occupational Health will aid any further discussion you and I have regarding your health. It will also assist me to offer you any further support you may need to help you return/maintain your attendance at work.

Yours sincerely

Manager  
Name Surname

### ***Example of outcome letter – offer of alternative employment***

Dear Employee

Absence Review Hearing (Date)

I am writing to advise you of my decision following the above hearing which had been convened to consider whether you are capable of carrying out the duties of a (post and service area).

I have given lengthy consideration to the presentations of both parties and listened carefully to the evidence given by all of the witnesses.

After weighing all of this evidence, I believe that management demonstrated that you are incapable of fulfilling the role of (post) and, therefore, I have decided that you should be dismissed from this position.

However, I have decided as an alternative to dismissal you will be offered .... position at ...salary. You have until ... to consider this offer. (If you accept this offer you will still be under the formal stages of the sickness absence management policy until such a time when your new manager is satisfied with your attendance).

If you choose not to accept this offer, then the dismissal will stand. You are entitled to (x) weeks' notice and therefore you will continue to be paid the salary of (post) until (date).

You have the right of appeal against my decision to dismiss you from the post of (designation). If you wish to exercise this right, you must write to the Executive Director, within 10 working days of the date of this letter, setting out clearly and fully the grounds for the appeal. A copy of this letter has also been emailed to you (WHERE EMAIL ADDRESS AVAILABLE). In order for your appeal to be considered the grounds for appeal must be related to one or more of the following.

- A procedural flaw
- The action proposed
- Any other perceived unfairness of the decision.

Yours sincerely

Hearing Officer  
(Cc (Manager), (Trade Union), (Human Resources))

### ***Example of outcome letter – Final review period***

Dear Employee

Absence Review Hearing - (Date)

I am writing to advise you of the outcome of the above hearing which was held to consider EITHER (your long term ability to discharge the terms of your contract of employment with the Council AND/OR whether the level of your sickness absence due to frequent short term absences due to ill health is unacceptable and cannot be sustained), taking into consideration your level of absence totaling X days, since (date).

I considered all of the information provided by (Manager) and yourself/trade union, including your statement that you believe that you should not need any further periods of absence in relation to your existing medical problems and that your attendance has been satisfactory for the past X weeks.

On this basis, I have decided that there should be a final period of review. It was stated at the hearing by (Manager) that over the past X years, your absence level has averaged around X days a year. It is my view, therefore, that the length of the review period should be such as to allow for proper consideration of your ability to maintain a satisfactory level of attendance.

For this reason, your attendance will be closely monitored over the next x months. If during this period your attendance should become unsatisfactory, a further hearing will be set up and a potential outcome of this hearing could be your dismissal from the Council's service.

You have the right of appeal against my decision. If you wish to exercise this right, you must write to the Executive Director of (Directorate) within 10 working days of the date of this letter, setting out clearly and fully the grounds for the appeal. A copy of this letter has also been emailed to you (WHERE EMAIL ADDRESS AVAILABLE) In order for your appeal to be considered the grounds for appeal must be related to one or more of the following.

- A procedural flaw
- The action proposed
- Any other perceived unfairness of the decision

A copy of this letter has been sent to (name) your trade union representative.

Yours sincerely  
Hearing Officer

## Example of outcome letter – dismissal

Dear (Employee)

Absence Review Hearing (date)

I am writing to inform you of the outcome of the hearing held on (date), (the purpose of which was to consider your long term ability to discharge the terms of your contract of employment with the Council, EITHER taking into account your continued absence from work since (date) AND/OR whether the level of your sickness absences is unacceptable and can no longer be sustained due to your frequent short term absences due to ill health from work over the period from, to)..

Having considered the representations made to me by (Manager) and yourself/trade union, including all of the medical evidence presented, I have concluded that (you are incapable of fulfilling the terms of your employment with the Council) (and) or (the level of your sickness absence is unacceptable and cannot be sustained).

It is my decision, therefore, that you should be dismissed from the Council's service on the grounds of capability.

You are entitled to X weeks' notice and your last day of service will be (date) [or this notice will be paid in lieu}. You are required to continue to provide medical certificates during your notice period.

You are entitled to xx days outstanding statutory leave which will be paid in your final salary.

You have a right of appeal against this decision. If you wish to exercise this right, you must write to the Executive Director, within 10 working days of the date of this letter, setting out clearly and fully the grounds for the appeal. In order for your appeal to be considered the grounds for appeal must be related to one or more of the following.

- A procedural flaw
- The action proposed
- Any other perceived unfairness of the decision

You should also ensure that all Council property in your possession is returned to (Manager) who will also make arrangements for you to collect any personal possessions you may have at your office.

Yours sincerely

Hearing Officer (cc (Manager), (Trade Union), (Human Resources))



## **APPENDIX F**

### ***Access to Medical Records***

#### ***Introduction***


It is the Council's policy to obtain details from medical practitioners about the state of health of employees only when the information is considered essential for employment purposes and only at the instigation of the Occupational Health Physician (OHP) who is responsible for obtaining such reports.

Employees will always be informed of their rights of access to any such reports.


All information acquired by the Council on employees' health is to be treated in the strictest confidence on a need to know basis.

This policy applies to all employees, their managers and Occupational Health service employees.

#### ***Procedure***

 The decision to request a medical report about an employee is to be made by the OHP who will determine whether the provisions of the Access to Medical Reports Act 1988 apply.

Permission from the employee to approach their medical practitioner will be obtained in writing on the appropriate form kept by the Occupational Health service. The OHP will explain fully to the employee the reasons for the request.

 At the time permission is sought the employee must be informed in detail of his or her rights under the Access to Medical Reports Act 1990 and the Access to Medical Records Act. The OHP will ensure that the employee's attention is clearly drawn to the information on access rights.

An employee who refuses permission for the Council to obtain a report will be invited to see the OHP to explore the reasons. If the employee persists in the refusal, the OHP will explain that decisions made about the person's employment may be affected by the Council's inability to obtain a report.

Employees who consent to the OHP applying for a medical report must complete the relevant authorisation form. They must indicate on the form whether or not they wish to see the report before it is supplied to the OHP. Arrangements to see the report before it is supplied to the OHP must be made by the employee directly with the medical practitioner concerned and this must be done within 21 days of the application being made.

Once the employee has seen the report, the Council expects the employee to give consent to it being supplied (and/or make representations on its contents to the general practitioner) as soon as reasonably practicable.

Where an employee refuses, having seen the report, to give consent to it being supplied to the OHP, the OHP will advise the employee that it is preferable to base his or her decision on up-to-date medical evidence but that, if such evidence is withheld, the OHP will make a decision on the basis of information available at the time.

## APPENDIX G

### How to record sickness accurately

Managers should be recording sickness through the SharePoint site.

You can find the sickness reporting link on the MyView homepage, this does not require you to login

Below we have provided some screenshots detailing the process.

Please select the 'Sickness recording form'.

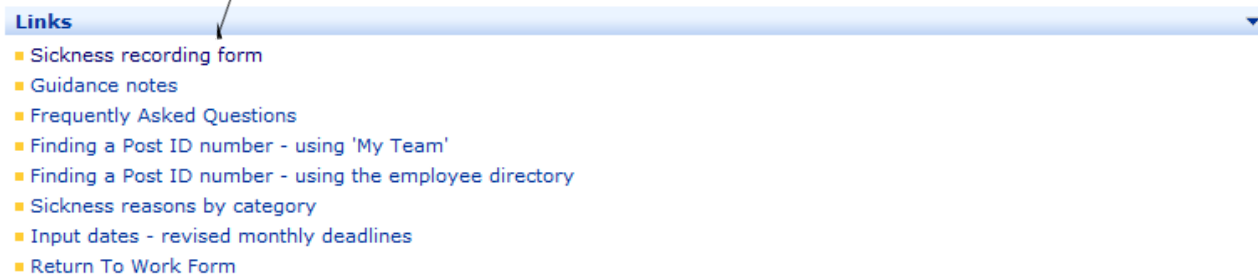
#### Sickness recording

**Whilst HR undertake a project to ensure all posts and teams are correct on ResourceLink (HR and Payroll System), the sickness recording function in MyView has been suspended and replaced with an online form.**

Please follow the link below to open the form along with instructions on how to complete.

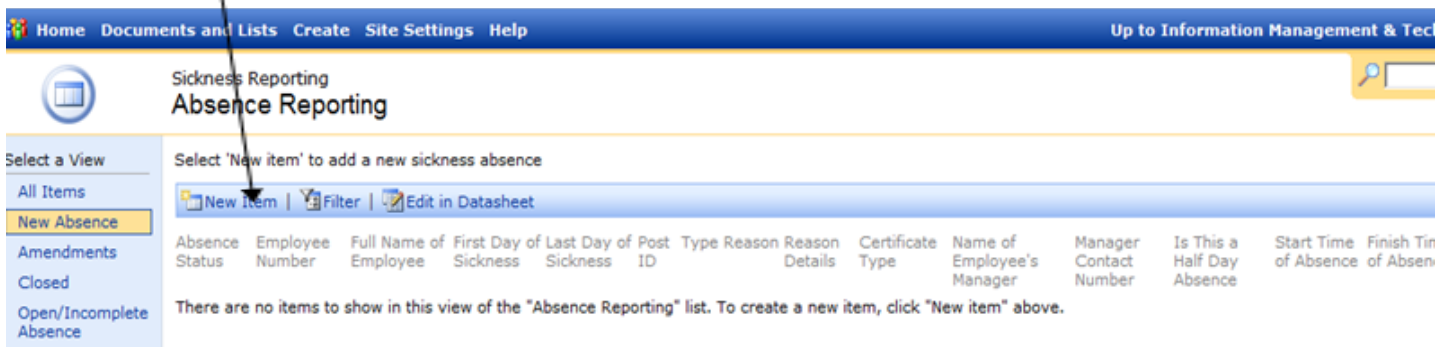
It is the responsibility of managers and those designated by their manager to complete and record sickness absences on this form. Please also note that a sickness can only be amended by the person who submitted the original form.

**Please note this applies to LB Lewisham only and not Lewisham Homes**



- Sickness recording form
- Guidance notes
- Frequently Asked Questions
- Finding a Post ID number - using 'My Team'
- Finding a Post ID number - using the employee directory
- Sickness reasons by category
- Input dates - revised monthly deadlines
- Return To Work Form

Then select 'New Item'



Select 'New item' to add a new sickness absence

New Item | Filter | Edit in Datasheet

Absence Status	Employee Number	Full Name of Employee	First Day of Sickness	Last Day of Sickness	Post ID	Type	Reason Details	Certificate Type	Name of Employee's Manager	Manager Contact Number	Is This a Half Day Absence	Start Time of Absence	Finish Time of Absence
----------------	-----------------	-----------------------	-----------------------	----------------------	---------	------	----------------	------------------	----------------------------	------------------------	----------------------------	-----------------------	------------------------

There are no items to show in this view of the "Absence Reporting" list. To create a new item, click "New item" above.

You or the line manager will need to complete the form below, ensuring the boxes marked with the red asterisk are completed. Once the form is completed please 'Save and Close'.

Save and Close | Attach File | Go Back to List

Absence Status \*

Employee Number \*   
must be 6 digits, including leading zeros

Full Name of Employee \*

First Day of Sickness \*    
Enter date in D/M/YYYY format.

Is This a Half Day Absence   
If absence was for part of the day, please check the box enter the start and finish date/time below

Start Time of Absence

Last Day of Sickness    
Complete only for half day absence

Finish Time of Absence     
Complete only for half day absence

Post ID \*   
MUST start with a D.  
Please see guidance notes if more than one post is held

Type \*

Reason \*

Reason Details

Certificate Type \*

Name of Employee's Manager \*

Manager Contact Number \*

\* indicates a required field

Payroll will then manually input the sickness onto the Resourcelink system.

Please note that whoever inputs the absence must close the sickness on the system.

## Appendix H

### **HOLIDAY ENTITLEMENTS FOR LOCAL GOVERNMENT EMPLOYEES**

The leave year runs from the 1 April to the following 31 March. For school-based staff working 52 weeks per year leave will normally be taken during the school holidays. Only in exceptional circumstances and with the express consent of the Headteacher can leave be taken at other times or carried forward to the next leave year.

Annual leave entitlement for school-based staff working 52 weeks per year is in accordance with the following table:

***(Please delete either table A or B depending on the terms and conditions of employment for support staff relevant to your school)***

<b>TABLE B</b>			
<b>For employees NOT covered by the Lewisham Collective Agreement with effect from 01.04.12</b>			
<b>Grade</b>	<b>Less than 5 Years continuous</b>	<b>5 to 10 Years continuous service</b>	<b>10 or more years continuous</b>
HB to H7	23	27	28
H8 to M1	25	27	28
M1 to M5	27	27	30

Plus, an extra concessionary day which will be given around the Christmas period. It will usually be the last working day before Christmas or the first working day after Christmas.

Annual leave entitlements will be pro rata for part time staff working 52 weeks per year.

Staff engaged on a term time only basis will not be permitted to take leave at any other time except during school holiday periods unless express consent from the Headteacher has been given.

## Appendix I

### Career Breaks

It is recognised that during an employees' working life there will be times when personal commitments may take priority over work e.g., bringing up children, longer term care for sick or dependent relatives, or pursuing a course of further education. The school may be able to accommodate such personal commitments, where operationally practicable, through career breaks. Employees should also give consideration to flexible working requests depending on their individual needs.

Career breaks enable employees to take an unpaid break from work for personal reasons whilst maintaining continuity of service with the school. The employee should try to give as much notice as possible to commence a career break (ideally 3 months), but a shorter notice can be accepted at the Headteacher's discretion for example where a dependent needs care at short notice.

With the exception of continuity of service all other terms of the employment contract with the school will be suspended. On return, at an agreed date following the career break, the employee will be able to return to the same or similar post within the school without competitive selection.

A career break may be considered appropriate for example:

- To extend a period of maternity/adoption leave
- To care for dependents
- To enter full time education
- Extended foreign travel

These reasons are not all inclusive and others may be considered, with the exception of taking up other full time paid employment. Employees who are on a career break may in exceptional circumstances take up a part time role for example to support a university course or extended travel. Permission must be sought from the school before taking this up.

### Eligibility

All permanent employees with at least two years continuous service with the school regardless of the number of hours worked are eligible to apply for a career break.

### Length of career break

The minimum length of break is 3 months, for teaching and classroom-based staff the expectation would be for this to equate to a term, and the maximum is 1 year. There is no limit to the number of career breaks an employee can take, providing they return to work at the school for a minimum of 2 years between each break.

Please note that for the first 30 days of a career break both employer and employee pension contributions are payable. For more information, please contact the Serco HR Payroll Transactions Team.

### Restructuring and/or Reductions in staffing

Consideration of planned organisational change should be taken before a career break is authorised particularly where there is potential for a reduction in posts.

If an employee is on a career break when a restructure is being considered, every effort should be made to contact them in order for them to have input into any consultations or feedback processes. Employees may be given the opportunity to return to work early if they wish to if the temporary cover can be ended at no additional cost.

Employees on a career break must be included in selection processes even if the Headteacher is unable to make contact with them.

### **Extending the career break**

If the employee wishes to extend their career break, if the break taken was to be less than one year, they must do so in writing normally giving as much notice as possible. The Headteacher will give consideration to the extension along the same lines as the original request and may grant up to 1 year in total.

### **Cutting short the career break**

There will be no automatic right to cut short a career break, but the Headteacher will consider such requests from an employee if they can be accommodated.

### **If the employee does not return from the career break**

If an employee does not wish to return from a career break, they should confirm this in writing **at least 4 weeks** prior to their expected return date, for those employed under School Teachers Pay and Conditions of Service the appropriate notice must be given in accordance with those terms. If, on the school writing to the employee to confirm the return date, the employee does not respond, their contract will be terminated on that expected return date.

### **Conduct during a Career break**

Employees should be aware that they remain employees of the school during a career break. Whilst an employee's off duty hours are their personal concern, they should not put themselves in a position where their duties and private interests conflict. The standards of the School's Code of Conduct should be maintained during a career break.

## Appendix J

Type of Leave	Limit	Legal Requirement	No Legal Requirement	Paid	Unpaid	Page
Annual Leave entitlement for Local Government staff	20-36	✓		✓		5
Compassionate, Emergency or Exceptional Leave, Time off for sick family	3	✓		✓		15
Other personal reasons	3		✓	✓	✓	16
Wedding of close family	2		✓	✓		16
Serious illness / funeral of close family	3		✓	✓		16
Moving House	2		✓		✓	17
Service with Auxiliary Forces	10	✓		✓		18
Carry over of annual leave	5		✓	✓		7
Religious festivals (see exceptional circumstances)	3		✓	✓		15
Attendance at Court Proceedings	No Limit		✓	✓		18
Public Duties	18	✓			✓	14
Study/ Examination Leave	1		✓	✓		18
GCSE Duties & Activities	5		✓	✓		17
Trade Union Duties	No Limit	✓		✓		18
Time off for appointments (Doctor, Dentist etc.)	Reasonable		✓	✓		9
Maternity, Paternity, Adoption, Carers leave & ante-natal	10	✓		✓		6
Interviews within Lewisham or another Local Authority	6		✓	✓		16