

Human Resources Policies and Procedures

Attendance Management Policy

Aim: This policy provides a clear, fair and consistent framework for effectively managing employee's health and attendance; ensuring that both employees and managers understand FCAT's expectations, are committed to a positive attendance culture and are aware of the support available in the event of ill health.

Policy Number and Version:	HR12 Version 1.0
Policy Authorisation:	Management: FCAT Executive Trade Union: Representatives of FCAT Staff Consultation and Negotiation Meeting
Date of Policy Introduction:	1 st January 2018
Date of Policy Review:	Every 2 years
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1. Introduction

- 1.1 This policy provides a clear, fair and consistent framework for effectively managing employee's health and attendance; ensuring that employees and managers understand FCAT's expectations regarding attendance levels and the support available in the event of ill health.
- 1.2 FCAT recognises the importance of a proactive and positive approach to managing health and attendance and is committed to maintaining good health and wellbeing of all employees whether absent from work or not. This is to enable the highest performance in work, all the while supporting the achievement of a work-life balance.
- 1.3 However, FCAT also recognises the impact staff absence can have on the performance and operation of our academies or Trust; in particular upon the quality of education delivered to our students, services we provide, pressure on colleagues who may be required to cover additional work and financial costs. FCAT expects employees and managers to cooperate and implement this policy to minimise sickness absence from work as far as possible. The aim is to develop a progressive culture towards staff health and wellbeing and attendance in work.

2. Scope of the Policy

- 2.1 This policy is applicable to all staff employed by FCAT.

3. General Principles of the Policy

- 3.1 This policy will be applied to enable the clear, fair and consistent management of staff health and attendance.
- 3.2 A proactive and preventative approach to managing attendance will be adopted, ensuring that the cause of sickness absence is identified as early as possible and addressed comprehensively to minimise the likelihood of further absence from work.
- 3.3 FCAT recognises and is committed to its legal responsibilities and duty of care to provide a healthy and safe working environment and conditions for employees. Employer responsibilities under this policy are outlined at Appendix 1. FCAT will ensure that employees are aware of the Attendance Management Policy and attendance standards expected.
- 3.4 Equally all staff are expected to take due regard for their own health and safety and to take all reasonable steps to keep themselves in good health ensuring that they are fit as far as possible to undertake their contractual duties.
- 3.5 As sickness absence can be a sensitive issue it will be managed confidentially by FCAT. Employees may be accompanied by a recognised Trade Union representative or workplace colleague to any formal meeting held in accordance with this policy. A representative from FCAT Human Resources may be in attendance at any meeting held in accordance with this policy where considered appropriate.
- 3.6 Employees are required to attend any meeting they are invited to in accordance with this policy (if physically well enough to do so). In order to support employees

appropriately; meetings in accordance with this policy may be held in the academy where an employee works, other FCAT academy or with the employee's agreement; a home visit.

- 3.7 In exceptional circumstances, FCAT reserves the right to medically suspend an employee on health and safety grounds where it is believed that it is necessary and appropriate to protect the employee, other employees or students from health and safety risk(s).
- 3.8 During the course of the working day, should a member of staff choose to leave work due to ill health this will be considered an episode of sickness absence.
- 3.9 Employees are required to cooperate with the implementation of this policy and act in accordance with their responsibilities in this policy as outlined throughout and collated in Appendix 2. Any breach of these responsibilities or this policy may result in action being taken in accordance with FCAT's Conduct and Disciplinary Policy.
- 3.10 Similarly, it may be necessary for action to be taken in accordance with FCAT's Conduct and Disciplinary Policy if there is reason to believe that an employee has reported that they are sick, when in fact they are not sick or there are apparent patterns in an employee's attendance (e.g. sickness absence repeatedly on a Friday or Monday, before or after a period of annual leave).
- 3.11 Furthermore, employees are not permitted to undertake any other paid employment during their FCAT working hours whilst certified as unfit for work in their role within FCAT with either a self or medical certificate; as to do so would be considered fraudulent and may also result in action being taken in accordance with FCAT's Conduct and Disciplinary Policy. In the event that an employee has secondary employment which they consider they may be fit to undertake, despite being certified as unfit for work in their FCAT role, they must inform the manager of their sickness for discussion around this.
- 3.12 Any concerns regarding the fair application of this policy should be raised with FCAT Human Resources in the first instance. Human Resources will provide training, support and advice in relation to this policy. Ultimately, any employee that is not satisfied with the application of this policy has the right to raise a complaint in accordance with FCAT's Grievance Policy.

4. Records and Monitoring

- 4.1 FCAT will retain, maintain and monitor accurate records of staff attendance and management of sickness absence. All occasions and details of sickness absence will be recorded in SIMS and payroll. Records will be stored securely and access will be restricted to only those responsible for recording and managing sickness absence in line with the Data Protection Act 1998.
- 4.2 On a day to day basis, recording of sickness absence enables FCAT to support the personal welfare and health and safety of employees in case of an emergency in the workplace. Furthermore FCAT can pro-actively monitor reasons for sickness absence to identify any trends which may impact upon the health and wellbeing of

staff; to provide support and to appropriately address it. FCAT also has a legal obligation to report sickness absence related to workplace accidents or incidents to RIDDOR. The Senior Leadership Team, Academy Council, FCAT Executive and Directors will receive general anonymised regular reports regarding sickness absence for these reasons outlined.

5. Review

- 5.1 The content and operation of this policy will be reviewed every two years by Human Resources and FCAT Executive and then negotiated and agreed with Trade Union Associations.

6. Equality Act 2010

- 6.1 FCAT will observe the requirements of the Equality Act 2010 in the application of this policy which protects employees from unfavourable treatment related to a protected characteristic including; age, disability, race, religion, belief or lack of religion or belief, gender, sexual orientation, pregnancy or maternity, marriage or civil partnership and gender reassignment.

7. Notification of Absence on the First Day

- 7.1 Employees must follow their own academy or departmental absence notification procedure at all times. Whilst it is recognised that across the Trust there may be slight variations within absence notification procedures, the following general principles will apply to all:
- employees should personally contact their academy or department to report if they are unwell and unable to attend work;
 - this contact must be made on the first morning of absence;
 - this contact must be at the earliest possible time and no later than the cut off time identified in the absence notification procedure;
 - During this contact staff must confirm:
 - the specific reason for sickness absence;
 - any arrangements for work cover, any appointments, meetings or tasks which are urgent;
 - how long they expect to be absent from work;
 - when they anticipate returning to work;
 - in exceptional circumstances where any employee may not be physically well enough to contact their academy or department to report their absence, notification must be made by an emergency contact.
 - employees are required to personally contact their academy or department every day they are unwell and unable to attend work until such time a medical certificate may be issued and is received by the academy or department. After this time, regular contact intervals will be mutually agreed.
- 7.2 The details obtained during the contact will be noted by the academy or department for absence recording.

- 7.3 If an employee is unable to make contact in line with the absence notification procedures, they must leave a message and can expect to receive a call back from the academy or department if they have not provided the required information regarding their absence.
- 7.4 Staff that do not attend for work due to sickness absence, and have not notified their academy or department of their absence in line with the notification procedures will have their absence recorded as unauthorised. They will not receive occupational and/or statutory sick pay until notification has been received. Following retrospective notification, FCAT reserves the right to not pay occupational and/or statutory sick pay for any days of unauthorised absence.

8. Maintaining Contact during Sickness Absence

- 8.1 Employees are required to maintain reasonable and regular contact with their academy or department in line with the absence notification procedure during any period of sickness absence. This is to:
- ensure sustained dialogue to avoid an employee feeling isolated;
 - ensure that opportunities to provide relevant support and assistance are identified to assist an employee in returning to work and for employees to raise any questions regarding their absence;
 - enable the planning of work reallocation arrangements;
 - keep an employee updated with any relevant work issues and news.
- 8.2 The regularity of contact required between an employee and their academy or department will vary according to each case and will be mutually agreed on an individual basis, including the employee's preferred method of contact.
- 8.3 It is the responsibility of an employee to maintain the agreed regular contact with their academy or department during a period of sickness absence.
- 8.4 If regular contact is not maintained, an employee will be contacted by their academy or department to seek an update on their current absence and to determine when they may be fit to return to work. Disciplinary action may be taken in the event of repeat failure by an employee to maintain the agreed regular contact with their academy or department.

9. Certification of Sickness Absence

- 9.1 Employees are required to submit to their academy or department the following certification for sickness absence:

1 to 7 consecutive calendar days	On the 8th consecutive calendar day onwards
Self-certificate to be completed upon return to work.	Medical certificate from a Doctor is required.

- 9.2 If an episode of sickness absence is continuous over the weekend, this will be recorded as one ongoing episode of sickness absence. E.g. If a member of staff is absent from work on Monday, Tuesday, Wednesday, Thursday and Friday of one week and does not return to work until the following Tuesday this will be counted as 8 continuous calendar days of sickness absence and a medical certificate from a Doctor is required.
- 9.3 Medical certificates must be submitted in a timely manner and must be fully completed and signed by the Doctor and employee. Any incomplete certificates will not be considered as valid and will be returned to the employee for completion. If absence over 7 days is not covered by a valid medical certificate, FCAT may stop occupational sick pay until certification is received.
- 9.4 If a member of staff is absent prior to a period of school holiday closure or annual leave, they are required to contact their academy or department to confirm when they are fully recovered, even if this is during the period of school holiday or annual leave. If no contact is received, it will be assumed that the employee remains sick and a medical certificate may be required.

10. Responsibility in Managing Attendance

- 10.1 FCAT has determined that attendance may be managed at the following levels:

Action	Responsibility
Return to Work Discussion Short & Long Term Sickness Absence: Stage 1 Meeting Stage 2 Meeting Stage 3 Meeting	Sickness absence management will be undertaken by an appropriately trained manager as determined by the Principal in each academy (may be Line Manager/ Nominated Manager/ SLT/ Principal).
Short & Long Term Sickness Absence: Case Review Hearing to consider dismissal.	A decision to consider dismissal must be performed by a Hearing Manager (of at least Principal level). Where an individual has managed the attendance to date they cannot consider dismissal.
Short & Long Term Sickness Absence: Appeal Hearing against dismissal following a Case Review Hearing.	Consideration of an appeal against a decision to dismiss must always be performed by a Hearing Panel comprising of 3 managers (of at least Executive Principal level). A Hearing Panel may consist of any combination of 3 managers at any level from FCAT's pool of Executive Principals, Chief/Deputy Chief Executive Officers and Directors. Where an individual has managed the attendance to date they cannot form part of the Hearing Panel that will consider appeal against dismissal.

11. Returning to Work

- 11.1 Employees must contact their academy or department before returning to work from sickness absence. This must be on the day prior to their return to confirm their fitness for work and to discuss any support which may be required to enable this. This is also important for operational reasons to ensure any previously arranged cover can be cancelled.
- 11.2 Following any episode of sickness absence, upon their return to work, a Return to Work Discussion must be held between the employee and a manager and recorded on the Return to Work Discussion Form (Appendix 3). **The Return to Work discussion should take place on the first morning an employee returns to work or in exceptional circumstances, if this is not possible, at the earliest opportunity during their first day back for the following reasons:**
- to welcome an employee back to work and confirm that they are actually fit to resume their duties;
 - to establish the reason for an employee's sickness absence so that support can be provided in response to the cause - to enable an employee to undertake their duties and minimise the likelihood of future sickness absence;
 - to discuss any concerns in the employee's attendance, the impact of sickness absence on the academy and/or the Trust, in terms of their own employment and to outline the improvement that is expected in attendance levels;
 - to notify an employee if they have reached a stage under the attendance management procedure;
 - to update the employee in any relevant news or issues they may have missed during their sickness absence;
 - to provide an employee the opportunity to confidentially share any relevant information.
- 11.3 A copy of the Return to Work Discussion form must be returned to the Academy HR Contact straightaway following the discussion and they will provide a copy to the employee, and retain a copy on the employee's Personal File. This is to ensure all parties have a record of any support and actions agreed to enable these to be undertaken.
- 11.4 A Doctor may issue an employee a Fit Note if they consider that they are well enough to return to work as long as certain adjustments (phased return to work, amended duties, altered hours, workplace adaptations) can be reasonably accommodated by an employer. In returning to work if an employee has been issued with a Fit Note from their Doctor, they will need to notify their academy or department as soon as this is received so that consideration may be given to any reasonable adjustments that have been recommended to support them in returning to work and whether these can be accommodated. Where a Fit Note is received, academies or departments should discuss this with FCAT Human Resources to ensure appropriate support is in place and to minimise any risk to health and safety of staff and students in work. In the unlikely event that the adjustments recommended by a Doctor on a Fit Note are not considered by the academy or Trust as safe or reasonable to implement, the Fit Note will be treated as a Sick Note and an employee will remain

off sick for the duration of the note and until further medical advice has been received.

12. Occupational Health

- 12.1 FCAT has access to Occupational Health services to support the health and wellbeing of employees. Occupational Health provide impartial medical advice on an employee's fitness for work, how to help individuals to return to work from a period of sickness absence, how to best maintain attendance in work and any reasonable adjustments or support FCAT may need to consider to do all of this.
- 12.2 A referral to Occupational Health may be considered:
- when advice is required about an employee's fitness to carry out their job duties;
 - to identify any reasonable adjustments or support an employee may require in work to help them return to work or maintain their attendance in work.
- 12.3 If an employee or manager feels that a referral to Occupational Health would be beneficial in helping to support an employee's health condition; this must be discussed with FCAT Human Resources who would consider whether a referral is necessary or if advice and/or support could instead be pursued alternatively e.g. via an employee's GP or Specialist. FCAT Human Resources will complete any referrals in conjunction with the manager.
- 12.4 A referral to Occupational Health may not just be made in response to sickness absence from work, it could also be made in circumstances where an employee may not be absent from work but where there are queries regarding an employee's health and wellbeing and any impact in work for which further medical advice and support would be considered helpful.
- 12.5 The advice from FCAT's Occupational Health service will prevail as experts in applying medical advice to the workplace/role.
- 12.6 Employees are required to attend any Occupational Health appointment that has been made for them and will be notified of the details of their appointment by Occupational Health.
- 12.7 Employees must inform their manager as soon as they are notified of their appointment time to ensure that this can be authorised and if this is due to take place during normal working hours, cover arrangements may be made to enable the employee to attend the appointment. It is expected that managers will support employee attendance at the first Occupational Health appointment given, unless there is an exceptional operational reason which prevents this. For teaching staff a request for cover must be submitted.
- 12.8 If due to exceptional circumstances an employee is unable to attend an Occupational Health appointment, they must ensure that they contact Occupational Health at the earliest possible time to notify them of this and to re-schedule the appointment as soon as possible. The employee must also contact FCAT Human Resources to

ensure that they are aware of the reason for the cancellation and new scheduled appointment time.

- 12.9 If an employee cancels an Occupational Health appointment at short notice without good reason or fails to attend a scheduled appointment the academy or Trust will be charged for the appointment and in turn this charge will be passed to the employee.
- 12.10 Following an appointment and upon receipt of an advice report from Occupational Health; a meeting will be arranged with the employee and a manager at which an employee may be accompanied by a Trade Union Representative or Workplace Colleague. The purpose of this meeting will be to discuss the advice provided by Occupational Health and any support an employee may require. This may be at a Stage 1, 2 or 3 meeting in accordance with this policy. Where a referral may have been made to support an employee despite a trigger point not having been reached or where there may be no absence from work this meeting would be considered an informal Occupational Health Advice Review Meeting.

13. Management of Sickness Absence

- 13.1 Short term sickness absence is defined as any absence up to 3 calendar weeks (any absence less than 21 calendar days).
- 13.2 Long term sickness absence is defined as any absence of 3 calendar weeks or more (any absence 21 calendar days or more).
- 13.3 The trigger points and attendance monitoring periods for long and short term sickness absence are interlinked.

14. Procedure for the Management of Short Term Sickness Absence

- 14.1 It is acknowledged that there may be occasions where a member of staff may be unwell and unable to attend work. However frequent and regular episodes of sickness absence need to be managed by FCAT for two reasons:
- it may suggest that an employee has an underlying health condition. FCAT can seek to support an employee in managing their health condition to improve their health, wellbeing and attendance;
 - it may suggest an underlying issue or concern relating to work which can be sought to be resolved;
 - employee absence can impact on the performance and operation of FCAT and our academies; in particular upon the quality of education and services provided, putting pressure on colleagues who may be required to cover additional work and financial costs. Absence therefore needs to be minimised.
- 14.2 Trigger points and targets for improved attendance within a monitoring period for short term sickness absence have been set. This is to enable FCAT to take a proactive approach to managing any concerns in an employee's health, wellbeing and attendance and to provide any support with addressing this as soon as possible.

14.3 Trigger points and attendance monitoring periods also provide employees with an opportunity to demonstrate an improvement in their attendance, and ultimately where attendance levels do not improve and continue to be unacceptable; to enable FCAT to manage this appropriately.

14.4 The trigger points used consider a number of episodes or number of day's absence within a period of time to ensure a fair and consistent approach for all staff. The trigger points and attendance monitoring periods for short term sickness absence are as outlined below:

TRIGGER FOR ACTION	ACTION	TARGET FOR IMPROVED ATTENDANCE WITHIN MONITORING PERIOD
3 or more episodes of sickness absence in 6 months or 7 or more working days of sickness absence in 6 months	Stage 1 Informal Meeting	A 6 month monitoring period will be set from the date of the Stage 1 Meeting. 3 or more episodes or 7 or more working days sickness absence in 6 months from the date of Stage 1 Meeting will trigger a Stage 2 Meeting. At the end of the 6 month monitoring period, if the employee has not triggered within this time they will return to the beginning of the sickness absence management procedure.
3 or more episodes of sickness absence in 6 months from the date of the Stage 1 Meeting or 7 or more working days of sickness absence in 6 months from the date of the Stage 1 Meeting	Stage 2 Formal Meeting	A 12 month monitoring period will be set from the date of the Stage 2 Meeting. 3 or more episodes or 7 or more working days sickness absence in 12 months from the date of Stage 2 Meeting will trigger: <ul style="list-style-type: none"> • a Stage 3 Meeting if the trigger is reached during the first 6 months of this 12 month monitoring period; • a further Stage 2 Meeting if the trigger is reached during the last 6 months of this 12 month monitoring period. At the end of the 12 month monitoring period, if the employee has not triggered within this time they will return to the beginning of the sickness absence management procedure.
3 or more episodes of sickness absence in 6 months from the date of the Stage 2 Meeting or 7 or more working days of sickness absence in 6 months from the date of the Stage 2 Meeting	Stage 3 Formal Meeting	A 12 month monitoring period will be set from the date of the Stage 3 Meeting. 3 or more episodes or 7 or more working days sickness absence in 12 months from the date of Stage 3 Meeting will trigger: <ul style="list-style-type: none"> • a Case Review Hearing to consider dismissal if the trigger is reached during the first 9 months of this 12 month monitoring period; • a further Stage 3 Meeting if the trigger is reached during the last 3 months of this 12 month monitoring period. At the end of the 12 month monitoring period, if the employee has not triggered within this time they will return to the beginning of the sickness absence management procedure.
<i>N.B. Reasonable adjustments may be made to trigger points and targets for improved attendance within a monitoring period in relation to the Equality Act 2010. Prior to making any decisions regarding proposed adjustments managers must discuss with FCAT Human Resources to seek to enable fairness and consistency across the Trust.</i>		

- 14.5 Although there are trigger points and targets for improved attendance within a monitoring period, this does not prevent the academy or Trust from instigating the short term sickness absence management procedure outlined within section 14 where there may be patterns of concern in attendance to provide support and an opportunity to improve attendance levels.

15. Stage 1, 2 and 3 Short Term Sickness Absence Meetings

- 15.1 Following a Return to Work Discussion, where an employee has triggered, they will be invited to attend a Stage 1, 2 or 3 Short Term Sickness Absence Meeting with their manager.
- 15.2 A Stage 1 meeting is informal. Employees may not be accompanied by a Trade Union representative or workplace colleague at this this meeting but may seek advice from them, should they wish, in relation to the meeting.
- 15.3 A Stage 2 or 3 meeting is formal. Employees may be accompanied to these meetings by a Trade Union representative or workplace colleague.
- 15.4 At least 2 working days' notice will be given for a Stage 1 informal meeting. At least 5 working days' notice will be given for a Stage 2 or 3 formal meeting.
- 15.5 The purpose and procedure of a meeting at stage 1,2 or 3 will be:
- to advise the employee that they have reached a trigger point and there is concern about their levels of sickness absence (including any patterns in absence);
 - to establish the reason(s) for sickness absence and whether there may be any underlying health condition;
 - to enable an employee to explain their sickness absence;
 - to identify any support that can be provided in response to the cause for sickness absence to enable an employee to undertake their duties and minimise the likelihood of future sickness absence;
 - to outline the monitoring period, whereby an improvement in the employee's absence is expected;
 - to discuss the impact of the employee's absence on their academy and/or the Trust and in terms of their own employment;
 - to explain what will happen at the next stage if there is no improvement in attendance levels during the monitoring period, which may ultimately include termination of contract on the grounds of incapability due to ill health.
- 15.6 The discussion between an employee and manager during a Stage 1 informal meeting will be recorded on a form (Appendix 4). A copy of the Stage 1 Meeting form must be returned to the Academy HR Contact straightaway following the meeting and they will provide a copy to the employee and retain a copy on the employee's Personal File. This is to ensure all parties have a record of any support and actions agreed to enable these to be undertaken.
- 15.7 The discussion between an employee and manager during a Stage 2 or 3 formal meeting will be confirmed to the employee in a letter and a copy retained on the employee's Personal File.

16. Procedure for the Management of Long Term Sickness Absence

- 16.1 During a period of long term sickness absence stage review meetings will be held with an employee and manager. At every stage in the long term sickness absence management procedure whether a meeting is informal or formal, an employee may be accompanied to meetings by a Trade Union representative or workplace colleague.
- 16.2 After sickness absence becomes long term at 3 calendar weeks a Stage 1 informal meeting will be held.
- 16.3 If long term sickness absence continues then Stage 2 and 3 formal meetings may be held. As every case of long term sickness absence varies approximate timescales for holding these meetings have been identified to provide some guidance in reasonably managing such absence. A Stage 2 meeting should be held around approximately 8-12 calendar weeks' sickness absence and a Stage 3 meeting reasonably thereafter. The timing of these meetings will be can be variable in accordance with the progress of an employee's recovery from long term sickness absence and medical advice received with the primary aim of supporting an employee in a successful return to work.
- 16.4 The purpose and procedure of a meeting at Stage 1,2 or 3 will be:
- to discuss the employee's current sickness absence;
 - to understand any medical advice an employee has received and the timescale for a treatment plan;
 - when an employee may be fit to return to work;
 - what support may be required in enabling a return to work and minimise the likelihood of future sickness absence;
 - to reasonably discuss the impact of the employee's absence on their academy and/or the Trust and in terms of their own employment;
 - to explain the stages in managing long term sickness absence so the employee is clear of next steps and actions agreed;
 - at a Stage 2 and 3 meeting employees should be made aware that ultimately if following Stage 3 they are not able to return to work in the foreseeable future, this may result in a Case Review Hearing which unfortunately may result in termination of contract on the grounds of incapability due to ill health.
- 16.5 At every stage in managing long term sickness absence FCAT will seek to make reasonable adjustments to support an employee in returning to work which may include e.g. a change to working hours, work pattern, phased return to work, workplace adaptations or temporary or permanent redeployment to a suitable alternative post (where available or identified).
- 16.6 Where it is not considered appropriate to progress the management of sickness absence to the next stage in the procedure due to timescales or in awaiting medical advice but equally it is felt important to meet to support an employee during their long

term sickness absence, a Stage 1, 2 or 3 Review Meeting may be held instead. The purpose and procedure of such a meeting would be in accordance with Section 16.

- 16.7 Following a successful return to work from long term sickness absence following either a stage 1,2 or 3 meeting a monitoring period with trigger points and targets for improved attendance will be set in relation to both short and long term sickness absence as outlined in the table below.
- 16.8 At any stage in the management of long term sickness absence, where medical advice is received which outlines that an employee may unfortunately no longer be fit to perform their role in the foreseeable future due to ill health; with the agreement of the employee; there is no requirement to continue management of sickness absence through the stages of the long term sickness absence management procedure. In such circumstances, with the agreement of the employee, a formal Case Review Hearing may be convened to consider whether there is any further action FCAT may be able to take to support an employee in returning to work (including the possibility of ill-health redeployment) or whether termination of contract on the grounds of incapability due to ill health is appropriate.
- 16.9 The discussion between an employee and manager during a Stage 1, 2 or 3 meeting will be confirmed to the employee in a letter and a copy retained on the employee's Personal File.

TIMESCALE FOR ACTION	ACTION	TARGET FOR IMPROVED ATTENDANCE WITHIN MONITORING PERIOD
After 3 calendar weeks (21 calendar days) sickness absence.	Informal Stage 1 Meeting	<p>If an employee returns to work following this meeting a target for improved attendance in relation to any further long term and short term sickness absence will be set:</p> <p>Long Term: Any further episode of long term sickness absence within 6 months from the date of the Stage 1 Long Term Sickness Meeting will trigger a Stage 2 Long Term Sickness Meeting. After these 6 months, any further long term sickness absence will be managed at a Stage 1 Meeting.</p> <p>Short Term: A 6 month monitoring period will be set from the date of the Stage 1 Meeting:</p> <ul style="list-style-type: none"> • 3 or more episodes or 7 or more working days sickness absence in 6 months from the date of Stage 1 Meeting will trigger a Stage 2 Meeting. • At the end of the 6 month monitoring period, if the employee has not triggered within this time they will return to the beginning of the sickness absence management procedure.
Approximately after 8-12 calendar week's sickness absence.	Formal Stage 2 Meeting	<p>If an employee returns to work following this meeting a target for improved attendance in relation to any further long term and short term sickness absence will be set:</p> <p>Long Term: Any further episode of long term sickness absence within 6 months from the date of the Stage 2 Long Term Sickness Meeting will trigger a Stage 3 Long Term Sickness Meeting. After these 6 months, any further long term sickness absence will be managed at a Stage 1 Meeting.</p> <p>Short Term: A 12 month monitoring period will be set from the date of the Stage 2 Meeting:</p>

		<p>3 or more episodes or 7 or more working days sickness absence in 12 months from the date of Stage 2 Meeting will trigger:</p> <ul style="list-style-type: none"> • a Stage 3 Meeting if the trigger is reached during the first 6 months of this 12 month monitoring period; • a further Stage 2 Meeting if the trigger is reached during the last 6 months of this 12 month monitoring period. <p>At the end of the 12 month monitoring period, if the employee has not triggered within this time they will return to the beginning of the sickness absence management procedure.</p>
Reasonably thereafter a Stage 2 Meeting	Formal Stage 3 Meeting	<p>If an employee returns to work following this meeting a target for improved attendance in relation to any further long term and short term sickness absence will be set:</p> <p>Long Term: Any further episode of long term sickness absence within 6 months from the date of the Stage 3 Long Term Sickness Meeting will trigger a Case Review Hearing. After these 6 months, any further long term sickness absence will be managed at a Stage 1 Meeting.</p> <p>Short Term: A 12 month monitoring period will be set from the date of the Stage 3 Meeting:</p> <p>3 or more episodes or 7 or more working days sickness absence in 12 months from date of Stage 1 Meeting will trigger:</p> <ul style="list-style-type: none"> • a Case Review Hearing to consider dismissal if the trigger is reached during the first 9 months of this 12 month monitoring period; • a further Stage 3 Meeting if the trigger is reached during the last 3 months of this 12 month monitoring period. <p>At the end of the 12 month monitoring period, if the employee has not triggered within this time they will return to the beginning of the sickness absence management procedure.</p>
<p><i>N.B. Reasonable adjustments may be made to trigger points and targets for improved attendance within a monitoring period in relation to the Equality Act 2010. Prior to making any decisions regarding proposed adjustments managers must discuss with FCAT Human Resources to seek to enable fairness and consistency across the Trust.</i></p>		

17. Case Review Hearing

- 17.1 A Case Review Hearing will usually be triggered following completion of Stage 3 of the short and/or long term sickness absence procedure whereby an employee's attendance has not improved or they have not been able to successfully return to work in their substantive role or other role. A Case Review Hearing may however also be triggered at any time during the management of attendance where medical advice outlines that an employee may unfortunately no longer be fit to perform their role in the foreseeable future due to ill health (whether the employee may be absent from work or not) and with the agreement of the employee.
- 17.2 Before a Case Review Hearing may be convened FCAT should ensure that they have advice from Occupational Health regarding the employee's health and fitness to return to work. Both FCAT and the member of staff may submit to the Occupational

Health department any information relevant to any examination. At the Case Review Hearing employees may also obtain and share with FCAT advice regarding their health and fitness to return to work from their GP or Specialist.

- 17.3 Where a member of staff does not wish to be reviewed by FCAT's Occupational Health department, to release the report from the Occupational Health appointment or to provide consent for FCAT to approach their GP or Specialist, in terms of managing health and attendance; FCAT may only act in accordance with the information available at that time. In the event of any conflict between the medical advice provided by Occupational Health or a GP or Specialist, the advice from FCAT's Occupational Health service will prevail as experts in applying medical advice to the workplace/role.
- 17.4 Prior to the Case Review Hearing the manager who has managed the health and attendance to this point will prepare a summary report which will outline the timeline and actions in supporting the employee's health and attendance.
- 17.5 This will be submitted to the Hearing Manager (at least Principal level) who will invite the employee to attend the Case Review Hearing by letter.
- 17.6 The letter must be sent to the employee with at least 7 working days' notice of the hearing.
- 17.7 A copy of the management summary report must be sent to the employee with at least 5 working days' notice of the hearing.
- 17.8 The employee may be accompanied to the Case Review Hearing by a Trade Union representative or workplace colleague.
- 17.9 The purpose of the Case Review Hearing will be to determine whether there is any further action FCAT may take to support an employee in maintaining their attendance in work or returning to work (including the possibility of ill-health redeployment) or whether termination of contract on the grounds of incapability due to ill health is appropriate. The hearing will be chaired by an appropriate manager (at least Principal level) as outlined in Section 10.1.
- 17.10 The procedure for conducting a Case Review Hearing can be found at Appendix 5.
- 17.11 FCAT will provide all reasonable support to enable an employee to improve and maintain their attendance in work or return to work. An employee's contract of employment may be terminated for reasons of incapability due to ill health when there is no further reasonable support that may be provided to enable an employee to maintain their attendance in work or return to work in any capacity within the foreseeable future and it is not considered that they are capable of fulfilling their contract of employment sustainably. The chair of the meeting will review all information provided by management, the employee and recent medical advice **thoroughly** before any decision is made regarding dismissal.
- 17.12 In the event that an employee's contract is terminated on the grounds of incapability due to ill health and where there is a pay in lieu of notice (PILON) option clause within an employee's contract, FCAT reserves the right to utilise this. In the absence

of a pay in lieu of notice (PILON) clause in an employee's contract, termination of contract will be with notice or with PILON where mutually agreed between FCAT and the employee.

17.13 If the decision is taken not to dismiss an employee; the possible outcomes available include:

- ill-Health redeployment. If during a Case Review Hearing a potentially suitable post is identified by FCAT, for ill-health redeployment into this post may be pursued. Where no suitable alternative post is found or an employee confirms that they do not wish to be redeployed into a post identified as a suitable alternative by FCAT or an ill-health redeployment does not succeed as identified by FCAT or the employee, a second Case Review Hearing will be convened to consider what other support may enable an employee to maintain their attendance in work or return to work or whether dismissal is appropriate;
- if a Case Review Hearing was held as a result of an employee attendance not having improved following Stage 3 of the short term sickness absence management procedure, Stage 3 may be reinstated from the date of the Case Review Hearing and the monitoring period re-set from this date;
- to set a reasonable further time period for review of attendance or possible return to work pending further medical advice before convening a second Case Review Hearing.

17.14 Employees who are members of the Local Government Pension Scheme (LGPS) or Teachers Pension Scheme (TPS) may choose to investigate whether they are eligible to apply for Ill Health Retirement (IHR). IHR may be paid if an employee has to retire before Normal Pension Age (NPA) on the grounds of permanent incapacity. Eligibility and certain criteria have to be satisfied before a person may become entitled to any benefits in accordance with the rules of the LGPS or TPS. Any decision to apply for IHR is that of the employee and FCAT cannot guarantee the outcome of any application.

18. Appeals

- 18.1 An employee has the right to appeal the outcome of a Case Review Hearing whereby their contract of employment is terminated on the grounds of incapability due to ill-health. Any appeal must be submitted in writing by the employee, outlining the reasons for appeal within 10 working days of receipt of written notification of dismissal. The hearing will be chaired by an appropriate panel of 3 managers (at least Executive Principal level) as outlined in Section 10.1. One manager will act as Chair of the Appeal Hearing Panel.
- 18.2 The Appeal Hearing Chair will invite the employee to attend the Appeal Hearing by letter.
- 18.3 The letter must be sent to the employee with at least 7 working days' notice of the hearing.

- 18.4 The Appeal Hearing Panel will be sent a copy of the employee's appeal letter, the management summary report prepared for the Case Review Hearing and outcome letter from the Case Review Hearing for consideration at the Appeal Hearing.
- 18.5 The procedure for conducting an Appeal Hearing can be found at Appendix 6.
- 18.6 The purpose of the Appeal Hearing will be to determine whether the decision taken by the Hearing Manager at the Case Review Hearing to terminate the employee's contract of employment on the grounds of incapability due to ill health is upheld or not.
- 18.7 The employee may be accompanied to the Appeal Hearing by a Trade Union representative or workplace colleague.
- 18.8 The appeal hearing decision will be final. There is no further right of appeal beyond this process.

19. Annual Leave during Sickness Absence

- 19.1 For full year support staff contractual annual leave continues to accrue during periods of sickness absence. Employees can choose to take this annual leave when they are still certified as off sick or when they return to work with authorisation from their manager. Carryover of accrued untaken annual leave from one leave year to another is permitted up to the statutory maximum of 20 days where the leave could not be taken before the end of the leave year due to ongoing sickness absence or business reasons only. If employment is terminated, a worker is entitled to pay in lieu of any accrued and untaken annual leave.

APPENDIX 1 –EMPLOYER RESPONSIBILITIES UNDER THE ATTENDANCE MANAGEMENT POLICY

FCAT recognises the importance of a proactive and positive approach to managing sickness absence and is committed to maintaining good health and wellbeing of all employees whether absent from work or not. This is to enable the highest performance in work, all the while supporting the achievement of a work-life balance.

- This policy will be applied to ensure management of staff health and attendance is clear, fair and consistent. Human Resources will provide training, support and advice to managers in relation to implementing this policy.
- FCAT will observe the requirements of the Equality Act 2010 in the application of this policy which protects employees from unfavourable treatment related to a protected characteristic including; age, disability, race, religion, belief or lack of religion or belief, gender, sexual orientation, pregnancy or maternity, marriage or civil partnership and gender reassignment.
- FCAT recognises and is committed to its legal responsibilities and duty of care to provide a healthy and safe working environment and conditions for employees.
- FCAT will ensure that employees are aware of the Attendance Management Policy and attendance standards expected.
- As sickness absence can be a sensitive issue it will be managed confidentially by FCAT.
- Employees may be accompanied by a recognised Trade Union representative or workplace colleague to any formal meeting held in accordance with this policy. A representative from FCAT Human Resources may be in attendance at any meeting held in accordance with this policy where considered appropriate.
- FCAT will retain, maintain and monitor accurate records of staff attendance and management of sickness absence. All occasions and details of sickness absence will be recorded in SIMS and payroll. Records will be stored securely and access will be restricted to only those responsible for recording and managing sickness absence in line with the Data Protection Act.
- FCAT also has a legal obligation to report sickness absence related to workplace accidents or incidents to RIDDOR.
- In line with their duty of care managers must contact any member of staff whose absence is unauthorised to establish their situation and advise them of the correct absence notification procedure.
- Similarly although it is the responsibility of employees to maintain the agreed regular contact with their academy or department during a period of sickness absence, if regular contact is not maintained, employees will be contacted by their academy or department to seek an update on their current absence and to determine when they may be fit to return to work.
- Any incomplete medical certificates will not be considered as valid and will be returned to the employee for completion.

- Following any episode of sickness absence, upon their return to work, a Return to Work Discussion must be held between the employee and a manager and recorded on the Return to Work Discussion Form (Appendix 3). **The Return to Work discussion should take place on the first morning an employee returns to work or in exceptional circumstances if this is not possible at the earliest opportunity during their first day back.**
- A copy of the Return to Work Discussion form must be returned to the Academy HR Contact straightaway following the discussion and they will provide a copy to the employee, and retain a copy on the employee's Personal File. This is to ensure all parties have a record of any support and actions agreed to enable these to be undertaken.
- A Doctor may issue an employee a fit note if they consider that they are well enough to return to work as long as certain adjustments (phased return to work, amended duties, altered hours, workplace adaptations) can be reasonably accommodated by an employer. Where a Fit Note is received, academies or departments should discuss this with FCAT Human Resources to ensure appropriate support is in place and to minimise any risk to health and safety of staff and students in work.
- If an employee or manager feels that a referral to Occupational Health would be beneficial in helping to manage an employee's health condition; this must be discussed with FCAT Human Resources who would consider whether a referral is necessary or if advice and/or support could instead be pursued alternatively e.g. via an employee's GP or Specialist. FCAT Human Resources will complete any referrals in conjunction with the employee and manager.
- Employees should be reasonably permitted to attend any Occupational Health appointment within working time.
- Following an appointment and upon receipt of an advice report from Occupational Health; a meeting will be arranged with the employee, their line manager or nominated manager at which an employee may be accompanied by a Trade Union Representative or Workplace Colleague. The purpose of this meeting will be to discuss the advice provided by Occupational Health and any support an employee may require.
- With the appropriate notice, stage meetings must be held with employees in response to triggers for short and long term sickness absence. Targets for improved attendance within a monitoring period should be set in accordance with this policy. Reasonable adjustments may be made to trigger points and targets for improved attendance within a monitoring period in relation to the Equality Act 2010. Prior to making any decisions regarding proposed adjustments managers must discuss with FCAT Human Resources to seek to enable fairness and consistency across the Trust.
- The outcome of any stage meeting held must be confirmed in writing as outlined in this policy to the employee and a copy of this retained on their personal file.
- FCAT will provide all reasonable support to enable an employee to improve and maintain their attendance in work or return to work. An employee's contract of employment may be terminated for reasons of incapability due to ill health (with pay in lieu of notice) when this is not possible.
- Breach of the Attendance Management Policy by an employee may result in management in accordance with FCAT's Disciplinary Policy.

APPENDIX 2 – EMPLOYEE RESPONSIBILITIES UNDER THE ATTENDANCE MANAGEMENT POLICY

Employees are required to cooperate with the implementation of this policy and act in accordance with their responsibilities in this policy as outlined throughout and collated below:

- All staff are expected to take due regard for their own health and safety and to take all reasonable steps to keep themselves in good health ensuring that they are fit as far as possible to undertake their contractual duties.
- Employees are required to attend any meeting they are invited to in accordance with this policy.
- Employees must follow their own academy or departmental absence notification procedure at all times:
 - Employees should personally contact their academy or department to report if they are unwell and unable to attend work;
 - This contact must be made on the first morning of absence;
 - This contact must be at the earliest possible time and no later than the cut off time identified in the absence notification procedure
 - During this contact staff must confirm:
 - the specific reason for sickness absence
 - any arrangements for work cover, any appointments, meetings or tasks which are urgent.
 - how long they expect to be absent from work;
 - when they anticipate returning to work;
 - In exceptional circumstances where any employee may not be physically well enough to contact their academy or department to report their absence, notification must be by a next of kin.
 - Employees are required to personally contact their academy or department every day they are unwell and unable to attend work until such time a medical certificate may be issued and is received by the academy or department. After this time, regular contact intervals will be mutually agreed.
- If an employee is unable to make contact in line with the absence notification procedures, they must leave a message.
- Employees must ensure all absence is authorised. Unauthorised absence (where an employee does not attend for work and has not notified their academy or department of their absence in line with the notification procedures) is not permitted and will result in occupational and/or statutory sick pay being stopped until notification has been received. Following retrospective notification, FCAT reserves the right to not pay occupational and/or statutory sick pay for any days of unauthorised absence.
- Employees are responsible for maintaining reasonable and agreed regular contact with their Academy or department in line with the absence notification procedure during any period of sickness absence.
- Employees are required to submit to their academy or department the required certification for their sickness absence in a timely manner. If absence over 7 days is not covered by a valid medical certificate, FCAT may stop occupational sick pay until certification is received.

- If a member of staff is absent prior to a period of school holiday closure or annual leave, they are required to contact their Academy or department to confirm when they are fully recovered, even if this is during the period of school holiday or annual leave. If no contact is received, it will be assumed that the employee remains sick and a medical certificate may be required.
- Employees must contact their academy or department before returning to work from sickness absence. This must be on the day prior to their return to confirm their fitness for work and to discuss any support which may be required to enable this. This is also important for operational reasons to ensure any previously arranged cover can be cancelled.
- Following any episode of sickness absence, upon their return to work, a Return to Work Discussion should be held between the employee and their nominated manager.
- In returning to work if an employee has been issued with a Fit Note from their Doctor, they will need to notify their Academy or department as soon as this is received so that consideration may be given to any reasonable adjustments that have been recommended to support them in returning to work and whether these can be accommodated.
- Employees are required to attend any Occupational Health appointment that has been made for them.
- Employees must inform their academy or department as soon as they are notified of their appointment time to ensure that if this is due to take place during normal working hours, cover arrangements may be made to enable the employee to attend the appointment. A request for leave should be made in accordance with FCAT's Special Leave Policy and for teaching staff a request for cover submitted also.
- If due to exceptional circumstances an employee is unable to attend an Occupational Health appointment, they must contact Occupational Health at the earliest possible time to notify them of this and to re-schedule the appointment as soon as possible. The employee must also contact FCAT Human Resources to ensure that they are aware of the reason for the cancellation and new scheduled appointment time. If an employee cancels an Occupational Health appointment at short notice without good reason or fails to attend a scheduled appointment the Academy or Trust will be charged for the appointment and in turn this charge will be passed to the employee.
- Employees must not undertake any other paid employment during their FCAT working hours whilst certified as unfit for work in their role within FCAT with either a self or medical certificate. In the event that an employee has secondary employment which they consider they may be fit to undertake, despite being certified as unfit for work in their FCAT role, they must inform the manager of their sickness for discussion around this.
- Any breach of these responsibilities or this policy may result in action being taken in accordance with FCAT's Disciplinary Policy.

APPENDIX 3 – CONFIDENTIAL RETURN TO WORK DISCUSSION FORM

Employee Name:	
Post Title:	

SICKNESS ABSENCE DATES:					
Sickness Absence Start Date:		Sickness Absence End Date:		Date Returned to Work:	

DISCUSSION ABOUT SICKNESS ABSENCE - CAUSE – SUPPORT - PREVENT	
What was the reason for your sickness absence? <i>(Words like “illness” or “unwell” are not sufficient detail)</i>	
Was this sickness absence a one-off or due to an ongoing health condition?	
Did you obtain medical advice, consult a Doctor or visit the hospital?	
Do you feel sufficiently recovered from your sickness absence to return to work?	
Are you experiencing any ongoing symptoms linked to your sickness absence & what are these symptoms?	
What action have you taken/are you currently taking to manage the symptoms of your sickness absence? <i>E.g. Sought advice from GP/Medical Specialist/Treatment Plan – timescale for improvement in symptoms?</i>	
Can any support/adjustment be made in work to help manage any ongoing symptoms? <i>E.g. Reasonable Adjustments to job duties, working hours (phased/adjusted start or finish time), physical work environment to avoid worsening symptoms?</i>	

Discussion about Attendance Record - CAUSE – SUPPORT – PREVENT
How many episodes of sickness absence has the employee had in the previous 12 months?
Is there any common/similar reason for the episodes of sickness absence in the previous 12 months which may suggest an underlying reason?
Do you have any concerns regarding the employee's attendance record or patterns in their attendance?
Has the employee triggered a Stage 1, 2 or 3 Short or Long Term Sickness Absence Meeting?
Any other comments or questions? <i>Has the employee been informed about the importance of regular attendance at work and the potential consequences of any concern in their attendance levels? Has the employee been updated on any work matters that have arisen during their sickness absence?</i>

Agreed Actions <i>(please tick all that apply and discuss with FCAT HR)</i>					
Possible Occupational Health/Counselling Referral?	<input type="checkbox"/>	Reasonable adjustments?	<input type="checkbox"/>	Risk Assessment of Job Duties and Physical Work Environment?	<input type="checkbox"/>
Stress Risk Assessment?	<input type="checkbox"/>	Further meeting between employee and manager to update/review progress of RTW?	<input type="checkbox"/>	Triggered Stage Meeting?	<input type="checkbox"/>

Date Return to Work Discussion Occurred:			
SIGNED: (Employee)		DATE:	
SIGNED: (Manager)		DATE:	

Next Steps – Please return a copy of this fully completed Return to Work Discussion Form to your Academy HR Contact straightway following the discussion and they will provide a copy to the employee and retain a copy on their Personal File. This is to ensure all parties have a record of any support and actions agreed to enable these to be undertaken.

Employee Name:		Manager Name:		Date of Meeting:	
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<p>Introductions: (Please introduce & list the names of the individuals present within the meeting):</p>	
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<p>Policy and Process: Explain that this meeting is being held under FCAT's Attendance Management Policy.</p> <p>Explain that this Informal Stage 1 Short Term Sickness meeting has been triggered as you have had 3 or more episodes or 7 or more working days sickness absence in 6 months.</p> <p>Explain the purpose of the meeting is to:</p> <ul style="list-style-type: none">• Discuss the episodes of sickness absence that have triggered this meeting and the reasons for absence• Determine whether the reason for sickness absence has been one-off or due to an ongoing health condition.• Identify any reasonable adjustments/support that we can put in place in work or that you can pursue outside of work to improve your health and attendance.• Outline the monitoring period during which an improvement in your attendance is expected.• Discuss next steps in managing your sickness absence to minimise any further episodes. <p>Any questions regarding policy or process? <i>(Please note here whether the employee has any questions and the manager's response to these).</i></p>	
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Absence Discussion: Confirm the details of the episode(s) of sickness absence that have triggered this meeting: **CAUSE – SUPPORT – PREVENT**

	Absence Start Date:	Absence End Date:	Number of Working Days Lost:	Reason for Absence:	
Sickness Absence Episode 1					
Sickness Absence Episode 2					
Sickness Absence Episode 3					

Details of Employee's Absence *for each episode explore these questions:*

CAUSE
 (1) What symptoms prevented you from attending work?
 (2) Do you have an ongoing health condition or was this a one-off reason for sickness absence? Any common reasons for absence across 3 episodes?

SUPPORT
 (3) Did you access any treatment? What treatment? Timescale for improvement? Has treatment been successful?
 (4) Has your Doctor/Specialist/other Medical Professional offered advice? What have they advised?

PREVENT
 (5) Any temporary Reasonable Adjustments required within work for any ongoing symptoms? *E.g. to job duties, working hours (phased/adjusted start or finish time), physical work environment to avoid worsening of any symptoms?*
 (6) Any actions the employee needs to take e.g. follow up any outstanding medical advice that would help clarify health condition/treatment plan?

Agreed Actions: <i>(please tick all that apply and discuss with FCAT HR)</i>									
Possible Occupational Health/Counselling Referral?	<input type="checkbox"/>	Reasonable adjustments?	<input type="checkbox"/>	Risk Assessment of Job Duties and Physical Work Environment?	<input type="checkbox"/>	Stress Risk Assessment?	<input type="checkbox"/>	Further meeting between employee & manager to update/review following employee receipt of outstanding medical advice?	<input type="checkbox"/>
Impact of Absence: This meeting has been triggered because your levels of absence are of concern to us because of the: <ul style="list-style-type: none"> • Impact your absence has on the work you do with students; • Impact your absence has on your colleagues (increased workload covering staff absence); • Costs of providing staff cover for sickness absence; • Your employment contract. If there is no improvement in attendance levels this will lead to progression through the stages in this policy. Ultimately, any employee who is unable to fulfil their contract of employment due to ill health may have their contract terminated. 									
Target for Improved Attendance within Monitoring Period: <ul style="list-style-type: none"> • A 6 month monitoring period will be set from today, the date of the Stage 1 Meeting. • Should you have 3 or more episodes or 7 or more working days sickness absence in 6 months from the date of today's meeting this will trigger a Stage 2 Meeting. • At the end of the 6 month monitoring period, if you have not triggered within this time, you will return to the beginning of the short term sickness absence management procedure. 									
Any final questions/comments regarding the discussion during this Stage 1 Meeting? <i>(Please note here whether the employee has any questions/comments and the manager's response to these).</i>									
SIGNED (Employee):		DATE:		SIGNED (Manager):		DATE:			

Next Steps – Please return a copy of this fully completed Informal Stage 1 Short Term Sickness Absence Meeting Form to your Academy HR Contact straightway following the meeting and they will provide a copy to the employee and retain a copy on their Personal File. This is to ensure all parties have a record of any support and actions agreed to enable these to be undertaken.

APPENDIX 5 – PROCEDURE FOR CONDUCTING A CASE REVIEW HEARING

Attendance at the Case Review Hearing

- In attendance at a case review hearing may be the following individuals:
 - Hearing Manager (at least Principal level)
 - Manager who has managed sickness absence to date
 - Representative from FCAT HR
 - Employee
 - Employee's chosen representative
 - Note taker

Introductions

- Hearing Manager introduces those present, what their role is and then outlines the order of the hearing.

Manager

- Will present the key information from the summary report which outlines the timeline and actions in managing and supporting the employee's health and attendance. This may be verbal or written.
- Employee and/or their representative have the opportunity to ask any questions.
- Hearing Manager has the opportunity to ask any questions.

Employee and/or their Representative

- Will present any information regarding their health and attendance in response to the manager's summary report and considered relevant to the consideration of the Hearing Manager. This may be verbal or written.
- Manager has the opportunity to ask any questions.
- Hearing Manager has the opportunity to ask any questions.

Summary

- The Manager and Employee and/or their representative will have the opportunity to summarise the key points of their presentation.
- The hearing will be adjourned to allow the Hearing Manager to consider their decision.
- The decision may be confirmed following the hearing being re-convened or within 5 working days of the hearing if this is not possible.

APPENDIX 6 – PROCEDURE FOR CONDUCTING AN APPEAL HEARING

Attendance at the Case Review Hearing

- In attendance at a case review hearing may be the following individuals:
 - Appeal Hearing Panel (3 managers at least Executive Principal level)
 - Hearing Manager
 - Representative from FCAT HR
 - Employee
 - Employee's chosen representative
 - Note taker

Introductions

- Chair of Appeal Hearing introduces those present, what their role is and then outlines the order of the hearing.

Employee and/or their Representative

- Will present any information regarding their health and attendance in response to the dismissal as confirmed in the Case Review Hearing Outcome letter written by the Hearing Manager and considered relevant to the consideration of the Appeal Panel. This may be verbal or written.
- Manager has the opportunity to ask any questions.
- Appeal Panel has the opportunity to ask any questions.

Hearing Manager

- Will present the key information regarding their decision to terminate the employee's contract of employment on the grounds of incapability due to ill health. This may be verbal or written.
- Employee and/or their representative have the opportunity to ask any questions.
- Appeal Panel has the opportunity to ask any questions.

Summary

- The Hearing Manager and Employee and/or their representative will have the opportunity to summarise the key points of their presentation.
- The hearing will be adjourned to allow the Appeal Panel to consider their decision.
- The decision may be confirmed following the appeal hearing being re-convened or within 5 working days of the appeal hearing if this is not possible.

APPENDIX 7 – CONTRACTUAL SICK PAY ENTITLEMENT DURING SICKNESS ABSENCE

Employees are entitled to occupational sick pay in accordance with their terms and conditions of employment with FCAT as follows:

Teaching Staff

Length of Service	Contractual Sick Pay (pro rata for part time contracts)
During the first year of service (after completing 4 months service)	25 working days full pay and 50 working days half pay
During the second year of service	50 working days full pay and 50 working days half pay
During the third year of service	75 working days full pay and 75 working days half pay
During the fourth and successive years of service	100 working days full pay and 100 working days half pay.

Support Staff

Length of Service	Contractual Sick Pay (pro rata for part time contracts)
During the first year of service (after completing 4 months service)	1 months full pay and 2 months half pay
During the second year of service	2 months full pay and 2 months half pay
During the third year of service	4 months full pay and 4 months half pay
During the fourth and fifth years of service	5 months full pay and 5 months half pay.
After 5 years and successive years of service	6 months full pay and 6 months half pay.

FCAT reserves the right terminate employment before an employee has exhausted their contractual sick pay entitlement. Employees will not be entitled to receive sick pay during any periods of unauthorised or medically uncertified absence or where there may have been contributable negligence which led to the sickness absence.