



# Interaction & Communication

— Academy Trust —

# Attendance Management Policy

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Due to the Interaction and Communication Trust Academies being re-brokered. This policy has been extended.

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## **1 Attendance Management Policy Statement**

### **1.1 Purpose**

The Interaction and Communication Academy Trust (ICAT) wants staff to enjoy working for the Trust. Therefore, the Trust has made a commitment to employ working practices and policies that reward loyalty and increase employee engagement.

The ICAT Directors are committed to maintaining the health, safety, and welfare of its staff, seeking to provide a positive and healthy working environment and recognising the value of the employee's work/life balance. Regular attendance at work is part of every employee's contract of employment. However, it is recognised that employees will on occasion have genuine and acceptable health reasons to be absent from work and on those occasions the school will aim to do everything possible to support an employee during the period of absence, with the aim of assisting their return to work at the earliest opportunity.

The overall aim of the policy is to minimise absence levels across the Trust and provide information on how the Trust and its schools may support those employees who are unable to attend work due to ill health. In addition, the Trust is committed to taking appropriate preventative measures to ensure that employees who continue to work whilst experiencing some health-related symptoms can be supported, and in order to minimise any potential future impact on their attendance at work. The policy also aims to provide a fair and consistent framework for managing attendance and should inform all employees of their responsibilities regarding attendance at work.

In accordance with its obligations under the Equality Act (2010), management will make all reasonable efforts to allow employees with a disability to continue their employment.

The Trust expressly reserves the right to depart from the terms of the disciplinary procedure in circumstances where the employee does not have two year's qualifying service and will only do so following the consultation of HR and legal, to ensure the dismissal is not automatically unfair or discriminatory.

### **1.2 Employer Responsibilities**

- To inform all employees of attendance management procedures including the conditions of the sick pay scheme
- To record all sickness absence upon notification
- To meet with all employees on their return to work, regardless of the duration of the absence
- To monitor and review all sickness absence across the Trust/school
- To decide if a meeting with an employee when their sickness absence level has reached a trigger point is appropriate

- To maintain appropriate contact with employees during a period of absence
- The Board of Directors is responsible for maintaining fair, consistent and objective procedures for matters relating to staff sickness absence in conjunction with related Equality Legislation
- If a member of staff is absent from work due to work related stress a risk assessment with resulting actions/mitigating factors will be completed by a line manager and the employee with the aim of reducing the employee's levels of stress and support them in the workplace
- Information about sickness absence must be handled carefully and in accordance with the Data Protection Act 2018 to ensure that sensitive details and personal data remain confidential

### **1.3 Employee Responsibilities**

- To attend work when fit to do so
- To comply with the school's notification of sickness absence procedures
- To maintain appropriate contact with the school and to meet with the school when required during periods of absence of 4 weeks or more ("long term sickness absence") or, if medically unable to maintain such contact, to make arrangements for an intermediary, e.g. trade union representative or family member, to maintain contact on their behalf
- If requested to do so by the school, to attend occupational health (and potentially other medical) appointments, as well as any meetings with management as required within this policy. HR advice would be sought in these situations. Individual circumstances will be considered.

## **2 Attendance Management Procedure**

### **2.1 How to Report Sickness Absence**

The purpose of having a clear reporting process is to ensure that the school can make the necessary arrangements to cover sickness absence. This may involve arranging for supply cover or longer-term arrangements in the event that an employee is absent for a longer period of time.

As such the Trust and its schools has set the following absence procedures, which must be followed in the event of sickness absence. A failure to follow this procedure may result in sick pay being withheld and/or the absence being treated as an unauthorised absence in accordance with the school's disciplinary procedure. Please refer to your individual school's absence notification protocol for further information on expectations.

If the employee's absence persists for longer than seven consecutive calendar days (the timeframe allowed for self-certification) they must submit a doctor's fit note to the school.

### **2.2 Sick Pay**

For Centrally Employed Staff please refer to individual contracts of employment where employees are not employed on NJC or teacher contracts.

For School Based Staff:

Sick pay is based on length of service. For teachers this is aggregated teaching service with any Local Education Authority and for all other staff it is continuous service within any public authority to which the Redundancy Payments Modification Order 1985 applies. Please refer to the Teachers' Conditions of Service 'Burgundy Book' and the support staff Terms and Conditions of Service 'Green Book' for sick pay entitlements, for instance in the case of an accident or assault at work. The ICAT Academy Trust recognises service from any previous academies.

If the school is concerned that the reason(s) given for the employee's absences are not genuine, the school may commence an investigation in line with the school's disciplinary procedure.

The school reserves the right to withhold sick pay in circumstances which are described in the relevant paragraphs of the conditions of service for teachers and support staff. Additionally, if the employee is found to be carrying out some other work, within their contracted hours at the school, sick pay could be withheld.

Employees who are absent from work on sickness absence must not participate in any other form of work (paid or unpaid) during their normal working hours without the prior written authorisation of the school.

It is the responsibility of the employee to notify the school if undertaking therapeutic work whilst off sick and to avoid misunderstandings it is advised that the employer will consult with Occupational Health as to the advisability of this kind of activity.

### **2.3 Statutory Sick Pay ("SSP")**

In order to qualify for SSP an employee must:

- Be sick for at least four or more days in a row (including weekends and bank holidays) (SSP is not payable for the first three days of any period of absence); and
- Earn an average of not less than the Lower Earnings Limit for National Insurance Contributions (NIC).

SSP is paid by the school for up to a maximum of 28 weeks. A member of staff may be entitled to claim ESA through the DWP.

### **2.4 Maternity Related Absence**

Periods of pregnancy-related sickness absence shall be paid in accordance with your contract of employment in the same manner as any other sickness absence. Periods of pregnancy-related sickness absence from the start of your pregnancy until the end of your maternity leave will be recorded separately from other sickness records and will be disregarded in any future employment-related decisions. If you are absent due to sickness for a pregnancy-related reason during the four weeks before your Expected Week of Childbirth, your maternity leave will start automatically. Please see the ICAT Family Leave Policy for further information.

### **2.5 Surgery not for Medical reasons**

Time off for surgery that is not for medical reasons, will ordinarily not be paid by the school. Any leave granted, whether paid or unpaid, will be subject to the availability of staff to cover the employee's leave of absence.

## 2.6 Returning to Work

Where a doctor advises the employee that “*you are not fit for work*” the doctor will state the period (or dates) that this will be the case and whether they will need to assess the employee again. If the doctor has not stated that they need to assess the employee again, it will ordinarily be assumed that the employee will return to work on expiry of the fit note. There may be occasion where it is advisable to ask the employee to seek further advice from their doctor regarding a return to work. The employee is required to attend such an additional appointment as reasonably instructed by the school.

The fit note offers a further option – ‘*may be fit for work taking account of the following advice*’.

A doctor will be able to suggest ways of helping an employee get back to work. This might mean discussing:

- A phased return to work
- Flexible working
- Amended duties
- Workplace adaptations

It is important that employees contact the Trust/school as soon as possible on receipt of such advice and in any event significantly prior to their return to work to discuss any adjustments suggested by their GP. Employees should inform the school of their return-to-work date as soon as possible.

The school will investigate reasonable suggestions made by the doctor of steps that may assist an employee to return. However, various factors may prevent the school from acting including (but not limited to) maintaining education standards, the impact on pupils or other staff, practicability, disruption to school life and cost.

On their return to work, the employee must contact the schools designated staff member e.g. their line manager, HR Officer, member of the Senior Leadership Team (SLT) and complete the Return to Work Form as directed. If the employee is fit to resume work during the holidays and there are no members of staff in school, they should contact a member of the school's HR Officer / SLT to make them aware.

## 2.7 Occupational Health

The school may refer the employee to Occupational Health who will be able to advise on matters such as:

- When the employee may be able to return to their role
- The employee's ability to carry out their role
- Whether the employee's condition falls under the Equality Act (2010), and whether any adjustments or modifications could be made to assist the employee in carrying out their role
- Whether the employee is (or will soon be) unable to carry out their role and/or the employee's ability to carry out alternative duties either within the school or within the Trust
- Whether any adjustments or modifications could be made to assist the employee in carrying out such alternative duties

The school has a duty of care to its employees to consider all appropriate support options including reasonable adjustments or phased returns to work.

It may be appropriate for employees experiencing a psychological/mental health conditions i.e. stress/anxiety/depression or a musculoskeletal complaint i.e. neck/shoulder/back condition, that an immediate referral is made.

### **2.8 Return to work meeting**

Following a period of sickness absence, the employee will be required to attend a return-to-work meeting. Ideally, this should be done on the employee's first day back to work. If this is not possible it should be held within, at the most, three days of their return to work.

The meeting will normally be held by the employee's line manager. The purpose of the meeting is to welcome the employee back to work, inform them of any changes during their absence and to seek reassurance on the part of the employer whether the employee is completely fit for work or needs extra support. It is also to demonstrate the school's commitment to monitoring the health and well-being of its employees.

It may be appropriate following a long absence to offer a phased or gradual return to normal hours and responsibilities within a fixed timescale as a keyway of facilitating a sustained return to work. There is no single pattern that suits everyone. A meeting to prepare for the employees return to work will outline the pattern of work.

It may be that a Referral to Occupational Health for investigation of the employee's health problems is necessary to gain advice on medium- and long-term fitness for work and if there is an underlying condition requiring reasonable adjustments to be carried out.

In a Return-to-Work meeting employees must be made aware when they are near to reaching the trigger points and that reaching these could result in a Stage 1 Absence Meeting (and that a Stage 1 warning could be given at this meeting). Employees should be offered support to prevent this. Should the employee have hit the trigger points by this stage they will be informed at the Return-to-Work meeting that they could be invited to an Absence Meeting.

Should a live warning already be on file for the employee, and they have exceeded their absence target, they will be notified at the Return-to-Work meeting that they could be invited to a Stage 2/3 Absence Meeting. A record of the meeting must be made using the Return-to-Work Meeting Form, this is to be signed by the manager and employee and copied to the employee and placed on the employee's personnel record file.

It is the intention that the school will manage absence in a pro-active manner through the effective completion of return-to-work meetings.

### **3. Short Term Absence Management**

When considering trigger points, the circumstances of the employee will be carefully and sensitively considered in order to treat all employees fairly, consistently, and compassionately.

### 3.1 How attendance will be reviewed

In order to manage attendance effectively, it is important that sickness absence is consistently reviewed. The schools have pre-determined trigger points which can alert the school if an employee's attendance has reached a point where there may be cause for concern. The following trigger points are in place to monitor employee attendance:

- Three or more occurrences of sickness absence in any six-month period
- Seven or more day's sickness absence in any 12-month period
- Four weeks' continuous sickness absence
- When operational need dictates, for example, if the number or pattern of absences causes concern

### 3.2 Procedure

This procedure is designed to deal with persistent short-term ill-health cases.

The Trust has delegated the following powers to the following levels of staff:

| <b>Absence Stage</b>   | <b>Meeting Officer</b>      | <b>Appeal Officer</b>       |
|------------------------|-----------------------------|-----------------------------|
| Return to Work Meeting | Principal/Nominated Officer | Principal/Nominated Officer |
| Stage 1 Meeting        | Principal/Nominated Officer | Principal/Nominated Officer |
| Stage 2 Meeting        | Principal/Nominated Officer | Principal/Nominated Officer |
| Stage 3 Meeting        | Principal or CEO/Directors  | Principal/CEO or Directors  |

If the employee's attendance levels have not improved to a satisfactory level following informal action through the return-to-work meetings, and having taken into consideration the trigger points, management may choose to obtain medical advice from Occupational Health (if appropriate) or may proceed to a Stage 1 Absence Meeting.

If Directors are required at any stage of the process, they reserve the right to convene a panel of one or more Directors. However, the Trust via the CEO/Central Team, should be informed when a member of staff reaches stage 3.

### 3.3 Stage 1 Absence Meeting

If an employee's sickness absence levels have not improved despite being addressed in their Return-to-Work Meetings, and the employee has reached the trigger points, a manager designated by the Principal may invite the employee to a Stage 1 Absence Meeting.

The meeting officer will provide at least five working days' notice of the Stage 1 Absence Meeting in writing. They should inform the employee of the date, time and place of the meeting, the reason for the meeting, issue any evidence to be



discussed at the meeting and state that they have the right to be accompanied by a trade union or work colleague not involved in the case.

The meeting officer should prepare for the meeting by ensuring that they have identified the employee's sickness absence levels and the support that has been provided via the Return-to-Work meetings. Any medical evidence or documentation that the employee wishes the meeting officer to consider should be submitted prior to the meeting.

In the Stage 1 Absence Meeting the meeting officer must:

- explain the concern about the absence level and reasons for that concern, such as operational difficulties caused
- listen to reasons and respond appropriately
- consider whether to refer the case to the Occupational Health Unit, if not already done
- state that sustained improvement in attendance is expected and set an appropriate monitoring period and targets for improvement
- identify any support required

### 3.4 Potential Outcomes

- give the employee a Stage 1 Warning, to remain on file for six months (excluding the summer holiday), and explain that continued failure to improve attendance to the specified level may lead to a Stage 2 Absence Meeting which could ultimately lead to his/her employment being put at risk
- an extension of informal monitoring
- no further action is required at this stage

In any event the meeting officer should fully record the details of the meeting and send a letter to the employee confirming all the details of this meeting and the employee's right to appeal the decision.

**Managers should note:** if an employee successfully completes their monitoring period, they will return to normal attendance monitoring. If an employee re-triggers or is identified as having an unsatisfactory level of attendance whilst a "live warning" is on file, management reserves the right to return the employee to the next appropriate level of the Attendance Management Policy. Management do not need to return to a Stage 1 if a live warning is on file.

### 3.5 Stage 2 Absence Meeting

If the employee's attendance drops below the required level within the set monitoring period, the meeting officer will ask the employee to attend a Stage 2 Absence Meeting.

The meeting officer will provide at least five working days' notice of the Stage 2 Absence Meeting in writing.

They should inform the employee of the time, date and place of the meeting, the reason for the meeting, issue any evidence to be discussed at the meeting and state that they have the right to be accompanied by a trade union representative or work colleague not involved in this case.

In the Stage 2 Absence Meeting the meeting officer must:

- explain the concern about the absence level and reasons for that concern, such as operational difficulties caused
- listen to the reasons and respond appropriately
- consider whether to refer the case to the Occupational Health Unit, if not already done
- state that sustained improvement in attendance is expected and set an appropriate monitoring period and targets for improvement
- identify any support required

### **3.6 Potential Outcomes**

- Give the employee a Stage 2 warning, to remain on file for twelve months (excluding the summer holiday) and explain that continued failure to improve attendance to the specified level will lead to a Stage 3 Absence Hearing which could result in dismissal
- An extension of monitoring and support within Stage 1 of the formal process
- No further action is required at this stage

In any event, the member of meeting officer should fully record the details of the meeting and send a letter to the employee confirming all the details of this meeting and the employee's right to appeal the decision.

If at any stage an employee has reached a level of improvement acceptable to the school, monitoring should revert to informal arrangements.

Managers should note that if an employee successfully completes their monitoring period, they will return to normal attendance monitoring. If an employee re-triggers or is identified as having an unsatisfactory level of attendance whilst a "live warning" is on file, management reserves the right to return the employee to the next appropriate level of the Attendance Management Policy. Management do not need to return to a Stage 1 if a live warning is on file.

### **3.7 Stage 3 Absence Hearing**

If the employee's attendance drops below the required level within the set monitoring period, the meeting officer will ask the employee to attend a Stage 3 Attendance Meeting.

The meeting officer will provide at least five working days' notice of the Stage 3 Absence Meeting in writing of:

- the purpose of the hearing
- the employee's attendance record
- the stage reached in the procedure
- when and where the hearing will be conducted
- who will be attending, including witnesses to be called
- the right to be accompanied by a trade union or work colleague not involved in the case
- the requirement for confidentiality
- the requirement for the employee to provide any medical evidence or documentation, at least two working days before the hearing

The Stage 3 Absence Hearing will be conducted by the Meeting Officer. Any medical evidence or documentation that the employee wishes to be considered should be submitted at least two working days prior to the hearing.

The purpose of the Stage 3 Absence Meeting is to consider whether the employee is capable of continuing employment with the school in the light of their health, their attendance, and their ability to perform the role with reasonable effectiveness. The meeting also considers whether school can reasonably sustain the employee's level of attendance.

### **3.8 Potential Outcomes**

- An extension of monitoring and support within Stage 2 of the formal process
- If the Meeting Officer decides that the employee's attendance is not acceptable and is unlikely to improve, the employee may be dismissed with notice on the grounds of failure to sustain required levels of attendance.

If the Meeting Officer decides to terminate the employee's employment on the grounds of the above, the employee will be informed of the school's decision to dismiss in writing and the employee will be reminded of their right of appeal

### **3.9 Appeals**

Any appeal arising as a result of a warning or dismissal must be made in writing within five working days of the decision being communicated to the employee (usually within five working days of the receipt of the outcome letter).

If the employee submits an appeal, he/she will be invited to an Appeal Hearing where their case will be heard. The appeal officer will inform the employee in writing of the final decision as soon as possible. There is no further level of appeal.

## **4 Managing Principal Sickness Absence**

In the case of Principal sickness absence, the Absence Management Procedure will be managed by the Trust.

All Sickness Absence Hearings relating to Principal sickness absence will be conducted by the Trust.

The process will follow the same timeframes and processes as outlined in section 3 but will be conducted by the CEO and Trust.

## **5. Long Term Sickness Absence Management**

Where an employee is or is reasonably expected to be absent from work for four weeks or more (including any period of holiday) or where the employee has been unable to sustain regular and efficient attendance due to a long-term condition, they will fall within the scope of the long-term sickness absence management procedure.

It may be appropriate for employees experiencing a psychological/mental health conditions i.e., stress/anxiety/depression or a musculoskeletal complaint i.e., neck/shoulder/back condition, that an immediate referral is made to Occupational Health.

The school will maintain appropriate contact with the employee, which may include regular welfare meetings to discuss the employee's continuing absence, when the employee may be able to return to work and any reasonable adjustments that the school may be able to make to assist the employee in returning to work. The employee has the right to be accompanied. It is a contractual requirement that the employee co-operate with the school during such period of absence.

### **5.1 Alternative Venues**

In some circumstances where employees are unable to attend a meeting at school it may be appropriate for management to arrange an alternative venue. This may include the employee's home with their agreement or a neutral venue, the individual circumstances would be considered.

### **5.2 Medical Suspension**

In certain exceptional circumstances, ICAT will have the discretion to request that an individual refrains from attending work, pending medical advice in relation to their current health situation and ability to attend work.

Reasons for such a decision may include consideration for the protection of the person's own health, as well as the health and welfare of other staff and pupils who may be put at risk by the medical condition of an employee. Occupational Health may recommend medical suspension to management. Normal rate of pay will be maintained during any such suspension.

- The suspension will be for no longer than is necessary and the Trust will confirm the arrangements to the employee in writing.
- The decision to suspend may only be taken by a Principal or CEO. In the unavailability of a Principal or CEO the decision may be delegated to a nominated Deputy Principal who must make every effort to contact the Principal or CEO to discuss the case and be authorised to make the decision. Where the Principal is suspended the CEO or Chair of LGB only has the power to do so and must notify the full Trust Board. Where the CEO is suspended the Chair of the Trust only has the power to do so and must notify the full Trust Board.
- While the employee is suspended, he/she should not visit the site or contact any of its pupils, parents, governors, Chair of LGB or Trustees, members, or colleagues, unless the employee has been authorised to do so by the Principal Every effort will be made to avoid lengthy periods of suspension. The decision to suspend and the conditions of suspension will be reviewed periodically, and the employee will be updated as and when necessary (normally monthly).
- **Contact Officer** - This is a nominated senior employee, appointed by the Manager, in cases involving suspension of an employee. It will normally be someone who is employed at the school site and is aware of the circumstances of the case. They will be responsible for ensuring the terms of the suspension are adhered to by both sides, and to act as the contact point for the individual.

### **5.3 When Medical Capability is being considered**

If it appears that the employee is unlikely to be able to return their role within a reasonable period of time the employee will be invited to attend a Preliminary Meeting with the school Principal.

Please note that if for any reason OH/GP reports cannot be obtained, the Trust reserves the right to proceed to a preliminary medical capability hearing with the documentation available to them.

#### **5.4 Preliminary Meeting**

Prior to a medical capability hearing a preliminary meeting should be arranged in order to discuss the following:

- the history of the employee's absence, including the number of absences or duration of absences
- any reasonable adjustments that have been made or considered
- if and when the employee may be able to return to work or start providing regular and efficient service
- any redeployment options that have been considered within the school
- the up-to-date medical advice

The employee has the right to be accompanied at the meeting by a trade union representative or work colleague.

If following the preliminary meeting, management remain of the opinion that the employee is not able to return to work within a reasonable period of time and that their absence cannot be sustained or that the employee will not be able to provide regular and efficient service in accordance with their contract of employment, the employee should be invited to attend a Medical Capability Hearing.

#### **5.5 Medical Capability Hearing**

The Medical Capability Hearing will be conducted by the Meeting Officer as delegated by the Principal or CEO. The purpose of the Medical Capability Hearing is to consider the viability of the employee's continuing employment with the school. The employee should be given written notification of the meeting giving five working days' notice.

The Meeting Officer will consider dismissal on the grounds of medical capability where having considered any medical advice and any representations by the employee the Meeting Officer reasonably believes that:

- The employee is unfit to meet their contractual obligations
- They are unable or unlikely to reasonably determine when the employee will be able to return to work or to provide regular and efficient service

In the event that an employee has failed to attend appointments with Occupational Health and therefore there is no medical evidence to consider, the Meeting Officer may make a decision based on the information presented at the Hearing.

The employee has the right to be accompanied at the Medical Capability Hearing by a colleague or a trade union representative. Any documentation that the

employee wishes the Meeting Officer to consider should be submitted at least 2 working days prior to the Hearing.

In certain situations, whereby medical evidence from an employee is in conflict with the medical evidence from Occupational Health, the school will obtain a further medical report from an agreed independent physician.

Where an employee fails to attend the Medical Capability Hearing without a satisfactory explanation, the hearing may go ahead in their absence.

If the Meeting Officer decides to terminate the employee's employment on the grounds of Medical Capability, the employee will be informed of the Meeting Officer's decision to dismiss in writing and the employee will be informed of their right of appeal.

### **5.6 Appeals**

Any appeal arising as a result of a Medical Capability Dismissal must be made in writing within five working days of receipt of the outcome letter.

If the employee submits an appeal, he/she will be invited to an Appeal Hearing where their case will be heard. Both the employee and the school may wish to provide additional medical information for consideration at the Appeal Hearing.

The outcome of the Appeal Hearing will be confirmed in writing to the employee. There is no further level of appeal.

### **5.7 Redeployment**

There may be some instances where an employee is fit to return to work but not necessarily to the role they were originally employed to undertake. Redeployment is where an employee is transferred into a suitable alternative post which they are able to undertake with or without reasonable adjustments and/or training. In respect of alternative work, managers are advised to look at any existing and near future vacancies in the school in the first instance and discuss these with the employee in terms of their eligibility (including consideration of reasonable adjustments and training, as appropriate).

If there is no suitable alternative post in school, it may be possible to look for opportunities across the Trust. In cases of ill-health redeployment, school-based staff can be given access to staff vacancies from the date of a decision to dismiss, until the end of the notice period.

### **5.8 Ill-Health Retirement**

It may be possible that an employee who is contributing to the West Yorkshire Pension Fund (WYPF), the South Yorkshire Pension Fund (SYPF) or Teachers' Pensions (TP), could be considered for Ill-Health Retirement. Ill-Health Retirement is when an employee is considered 'permanently' unable to do their job or any comparable job with their employer. If an employee wishes to be considered for ill-health retirement, he or she should be referred to Occupational Health. It is advised that Principals and managers should seek support with this process from a Human Resources Advisor.

Members of the WYPF/SYPF

If appropriate, Occupational Health will advise the school that they will support Ill-Health Retirement and will complete a Medical Certificate of Permanent Incapacity. This certificate is then forwarded to the WYPF/SYPF alongside the appropriate documentation.

In order to terminate the individual's employment, the school will need to follow the process outlined in the Medical Capability Hearing and dismiss on the Grounds of Medical Capability. This process will happen independently of any decision by the pension administrators regarding ill-health retirement.

#### Members of the Teachers' Pension Fund

If appropriate, Occupational Health will advise the school that they will support Ill-Health Retirement however the process is significantly different to that of support staff. Occupational Health can only recommend Ill-Health Retirement, the final decision is made by TP. Under these circumstances the employee will be required to apply for ill-health benefits, completing an application form and a medical evidence form.

Notwithstanding this, the Trust reserves the right to hold a medical capability hearing, and this process will happen independently of any decision by the pension administrators regarding ill-health retirement.

It should be noted that access to benefits is at the discretion of the employer.

### **6 Accrual of annual leave during sick leave**

Employees have the right to accrue annual leave during sickness and to take this upon return or carry forward the annual leave into the next leave year. The time an employee takes leave will be agreed by management in line with the needs of the school.

Employees are entitled to 28 days (5.6 weeks) of statutory annual leave under the Working Time Regulations 1998. Therefore, the entitlement to statutory annual leave can be offset by any periods of school closure, whether they occur before or after the period of sickness. Where there is insufficient school closure time to allow the statutory annual leave to be taken, employers should allow the employee to carry forward the leave to be taken in a school closure.

Where an employee commences sick leave, the amount of 'leave' an employee has had in the current leave year will be established by the amount of school closure periods that have already occurred during the leave year. If this exceeds the entitlement to statutory annual leave, there will be no further entitlement to leave.

For more information and for information about support available to ICAT employees please speak to your Principal or the ICAT Central Team.

