



**The Elliot Foundation Academies Trust**

**Management of absence policy toolkit**

**November 2015**

## 3 Sickness Absence Management Toolkit.

### 3.1 Principals Quick Guide to Managing Sickness Absence

#### Return to Work Interview:

- Undertake return-to work interview after each and every sickness absence
- Welcome, identify any immediate support, identify if trigger hit or other concerns
- Unless absences are clearly Long Term or Occupational Health are involved, treat as Short Term initially.
- If triggers are hit, convene a Sickness Absence Interview.
- For Sickness Absence Interviews:
  - Give 7 working days' notice in writing.
  - Allow accompaniment by trade union or other colleague.
  - Confirm outcome in writing using Sickness Absence Interview Form.

#### Short Term Absences:

- Explore reasons and support, set attendance target (or if discretion used, record reason), and advise outcomes in writing on the Sickness Absence Interview Form.
- Convene further Sickness Absence Interviews if target not met – content as above, set further target, advise employee of possibility of further action (if discretion used record reason).
- Where there is improvement, thank the member of staff and inform them that the situation will continue to be monitored, which may be through the formal process.
- Where, in due course, successive targets have not been met, advise that further action could include termination of service.

#### Long Term Absences:

- Seek Occupational Health advice, including confirmation of long term absence situation. Assess initial position and support needed.
- Convene regular further Sickness Absence Interviews. Continue to assess position and support, get medical advice as needed, consider what employee CAN do which is practical for the academy, options including phased return considered, reasonable adjustments and/or alternative employment explored as appropriate.
- Consider impact on service delivery and sustainability of absence.
- Advise employee of interview outcomes in writing.
- Consider option of termination of employment after six months of continuous or near-continuous absence in a twelve-month period – ensure up to date medical advice is available and other options explored properly.

#### Mix of Long Term and Short Term Absences:

- Manage in parallel, distinguishing those incidents of absence, which fall into each type, and managing as above. While any Short Term absence may be managed in its own right through target-setting, it will also be included in the total absence record for the purpose of considering overall capability where this is prompted by incidence of Long Term absence.
- Always recognise the role of support in helping the employee to return to an acceptable level of attendance.
- Always give appropriate consideration of whether absence is caused by disability/pregnancy or maternity.

- Always maintain confidentiality.
- Always follow H&S procedure on accident/incident/ill-health reporting if work-related absence is claimed at any point.
- Always keep in touch and keep an absent employee advised of workplace developments.
- In all cases, the decision on terminating employment can only take place at a formal Ill Health Capability Hearing.
- The decision on whether, following termination, the criteria for ill-health retirement is met is the decision of an independent adviser, not the Governors.

Final

## **3.2 Academy Absence from Work Rules**

Employees must co-operate fully to enable complete and accurate records to be kept in respect of all absences from work.

1. The employee must notify their Principal or nominated person of their absence by telephone before their usual start time/prior to the start of the day.
2. Statements and declarations on lengths of absence and reasons for absence must be completed and signed by all employees on return to work, or otherwise as required by the Principal.
3. Failure to follow the notification and/or declaration procedures will normally result in the withholding or loss of pay or benefit.
4. No person may sign a Sickness Declaration other than the employee to whom the absence relates, although assistance may be sought in completion of a statement.
5. Employees must co-operate in the provision of relevant documents, assistance with enquiries and fulfilment of health and safety duties such as medical tests, examinations and other precautions.
6. Making of knowingly fraudulent, misleading or improper statements and failure to adhere to the absence from work rules are serious disciplinary offences.
7. All periods of sickness lasting more than seven calendar days must be supported by a doctor's statement (fit note).

### **PROCEDURES**

The following procedures should be adopted in all cases of absence due to sickness:

#### **A. What to do if you cannot attend.**

Notify your manager or nominated person before your usual start time, giving your name, payroll reference number, details of the nature of your illness (including if the absence is work related) and the expected date of your return to work. If your manager is not available you must contact another nominated person within the academy. By doing this you can be sure you have complied with the academy requirements through the proper notification of your absence. You may be required to notify your manager of your continuing ill health during the first week of any absence, in accordance with the existing procedures within your academy.

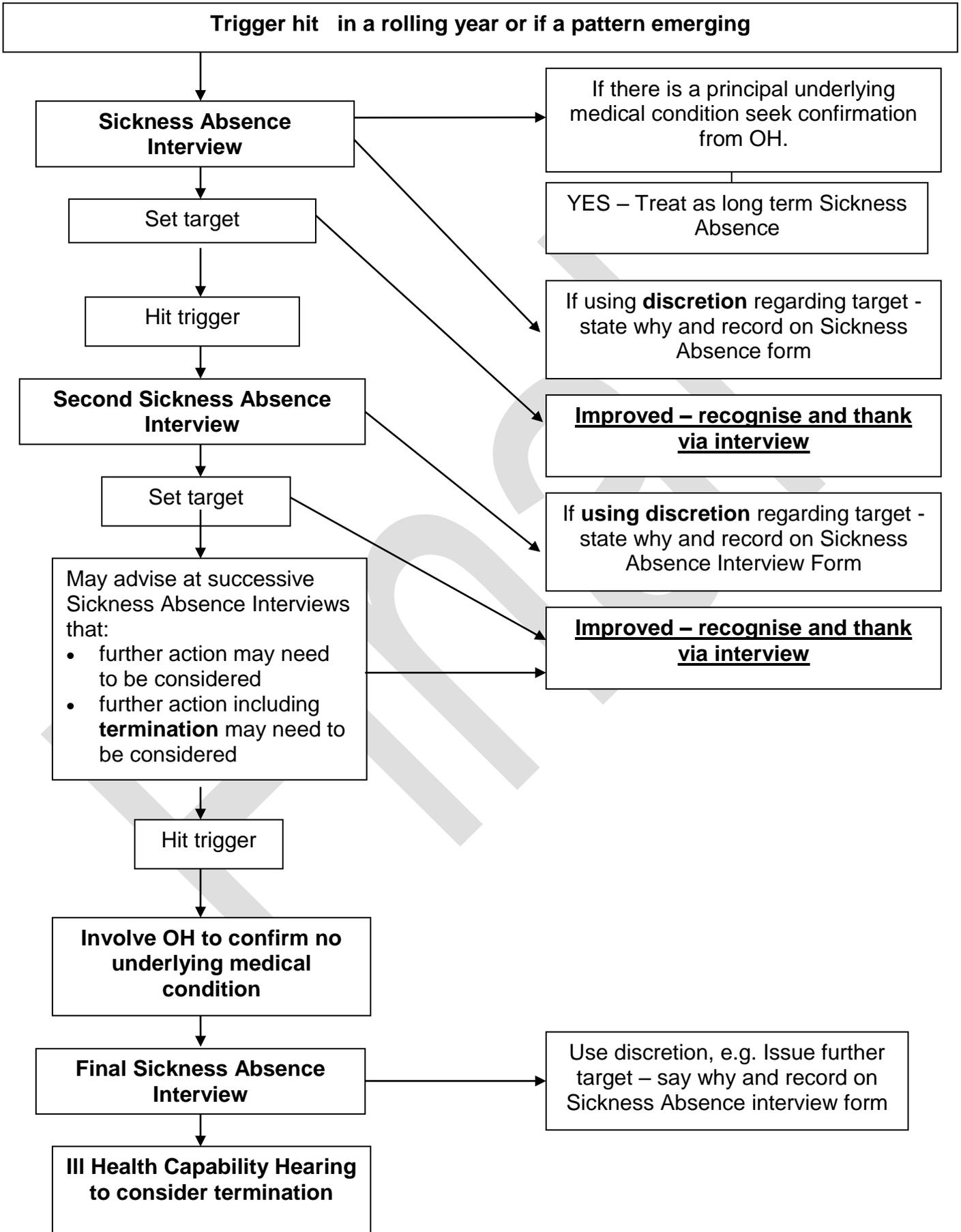
#### **B. What to do if you have to leave work early because of illness or injury.**

In normal circumstances you should consult your manager or nominated person before leaving the academy.

#### **C. What to do whilst absent.**

You must submit a fit note to your manager or nominated person by the 8<sup>th</sup> calendar day of any sickness absence.

### 3.3 Managing Sickness Absence Flowchart - Short Term Absence



[Type here]

### 3.4 Return to Work Interview/Sickness Declaration Form

(The interview should take place within 2/3 days after the employee has returned to work with the form normally completed in the presence of the employee)

#### NAME & DETAILS

Employee's name: ..... D.O.B: ...../...../.....

Current post: ..... Academy: .....

Payroll number.....

Interview conducted by: ..... Post held: .....

Telephone interview: Yes / No  
(If yes, employee signature still required)

Interview date: ...../...../.....

#### SICKNESS ABSENCE INFORMATION

Absence: Commenced:- ...../...../..... Last Day of illness:- ...../...../.....

**If you work part-time: Please circle the days you would have worked during your absence.**

**Sunday Monday Tuesday Wednesday Thursday Friday Saturday**

Reason for absence:

.....  
(Statements such as 'unwell' or 'sick' will not be sufficient)

**GP consulted: Yes / No Previous history of this type of illness: Yes / No**

Possible areas for discussion:

- The employee should be invited to express any concerns that he/she may have which might have caused the absence including any long-term disability issues.
- In the opinion of the employee are there any health issues that he/she feels may affect his/her ability to do their job?
- Is the illness caused or made worse by his/her work duties? (If so, ensure the Corporate Accident / Incident / ill Health or Near Miss report form has been completed)
- Has the information on the fit note been discussed and undertaken (if appropriate)

#### SUMMARY OF DISCUSSION & ACTION PLAN

Current state of health, other issues, action plan (if appropriate) etc: (Continue on reverse if required)

.....  
.....  
.....  
.....

Information disclosed to your Supervisor will be confidential. Any breach of confidentiality in respect of Sickness Declarations will be regarded as a disciplinary matter.

#### DECLARATION

I declare that the above statement is true and accurate to the best of my knowledge. I understand that to give false or misleading details may result in disciplinary proceedings, which can lead to dismissal.

Signed .....(Employee) Date ...../...../.....

Signed .....(Principal / Supervisor) Date ...../...../.....

[Type here]

## RETURN TO WORK INTERVIEWS – GUIDANCE NOTES

The return to work interview **must** take place after each period of absence within 2/3 days following an employee's return to work, regardless of the duration of the absence.

- The interview should be performed by the employees Principal or immediate line manager but, if this is not practicable, it should be delegated to an appropriate deputy
- The interview should be performed in a suitable environment with full consideration given to confidentiality.
- The interview should be carried out at a time and place convenient to both parties
- The interviewer should ensure that the employee understands that the purpose of the interview is to encourage future attendance through appropriate support and assistance.
- The interview should neither be an inquisition nor a medical cross examination, but the interview should allow the person to give an account of the reason for absence and questions may be asked about the medical condition to consider for example, whether any reasonable adjustments are required.
- Employees do not have rights of representation by Trade Unions during these discussions.

### The purpose of the interview will be to:

- Welcome the employee back into the workplace
- Provide an appropriate forum to discuss the employees state of health including
  - Current state of health
  - Reason for absence
  - Length of absence
  - Was the absence related to a previous absence?
  - Has a doctor/specialist been consulted?
- Show interest and support to the person who has been absent
- Provide an appropriate forum to review the employees attendance record
  - Did the staff member comply with the notification procedure?
- Provide an appropriate forum to discuss any issues that may affect the employees state of health
  - Is there a likelihood of recurrence?
  - Is further medical treatment needed?
  - Is underlying personal/work/domestic problem contributing to the absence?
- Has a fit note been issued? If so, discuss the adjustments which the GP is recommending.
- Update the person on any work issues

### The outcome of the interview may be:

- To record the information and take no further action
- To implement the recommendations on the fit note
- To arrange a further support meeting
- To agree a referral to Occupational Health
- To agree a referral to the Physiotherapy Service
- To provide the person with further information on the staff counselling service
- To take action where work-related issues contribute to the absence
- To schedule a Sickness Absence Interview
- To take further advice from Human Resources & Organisational Development

The interview must be recorded on the **RETURN TO WORK INTERVIEW / SICKNESS DECLARATION FORM** and must be signed by both parties as an accurate account of the interview

[Type here]

### 3.5 Letter requesting attendance at a Sickness Absence Interview

Contact tel. no.  
E-mail  
(Date)

#### Strictly Personal and Confidential

(Name)  
(Address)

Dear

According to our records it would appear that your sickness absence record indicates that \*you have been absent since ..... / you have had ..... absences in .....

To enable us to consider your sickness and attendance, I am arranging a Sickness Absence Interview to discuss this with you. The interview will explore any ways that we may be able to support you and also how best we can address the situation in the future.

*(If relevant – ‘At the interview we will need to discuss whether a target for your improved attendance will be set for you.’)* The meeting has been arranged at ..... on ..... in .....

You may be accompanied at this meeting by a trade union representative or other workplace colleague. It may be useful to advise your trade union as early as possible if you intend them to accompany you, to enable them, to make the necessary arrangements.

If you are unable to attend because of a substantial reason, or because you need more time to make arrangements for you to be accompanied on the date above, then please advise me as soon as possible to agree an alternative date. This alternative date should fall within five working days of the above original date.

In addition if you have any special requirements, which you would wish to be met to enable you to attend this meeting, then please advise me upon receipt of this letter.

If you are unsure about any of the above or if I can assist you with any further information, then please don't hesitate to contact me.

Yours sincerely,

-----

#### Notes for Principal

\*Use appropriate trigger mechanism.

This is designed as a model letter to assist in the preparation for a sickness absence interview. However, it is recognised that there may be particularly sensitive circumstances in individual cases where a more personally prepared letter may be more appropriate.

When convening a sickness absence interview, you must write to the employee giving a minimum of 7 working days' notice.

[Type here]

If possible, the Principal or relevant manager should conduct the sickness absence interview process for any particular case. Where an Ill Health Capability Hearing is convened, it should be heard by the Principal or a committee of governors who has the appropriate delegated power for dismissal.

Final

[Type here]

### **3.6 Sickness Absence Interview – Principals Guidance**

The following questions should help to inform the discussion and help with completion of the forms/letters

- Set the scene and explain what you are going to talk about at the meeting.
- Check notification procedures have been followed? If not establish the reason, discuss any action taken to resolve and ensure that the employee now knows the procedure.
- Discuss reason for absence.
- Clarify the absence length/likely length (if known).
- Was the absence related to a previous absence? Is there a principle underlying medical cause? Should/are Occupational Health be involved?
- If Long Term also discuss any days within time span under consideration attributed to Short Term Absences.
- Is there a likelihood of recurrence?
- Did the member of staff consult a doctor/specialist?
- Has Occupational Health been involved?
- Is further medical treatment needed?
- Has the employee been given any medical advice about her/his work?
- Is an underlying personal/work/domestic problem related to the absence?
- Advise the employee of the impact of their absence and bring them up to speed with what is happening in the workplace.
- Are there any reasonable adjustments that can be made to assist in return to work/prevent any future absence including advice on the fit note?
- Set and agree targets if appropriate.
- Close on a positive note.
- The key points and outcome of the interview should be confirmed in writing using the pro-forma letter in this pack with the appropriate suggested paragraph and/or interview forms. This confirmation should be supplied to the employee within 7 working days of the interview.

[Type here]

**3.7 Sickness Absence - First Interview** DATE.....

NAME..... DATE OF BIRTH.....

ADDRESS ..... POST HELD.....

ACADEMY..... PAYROLL NUMBER .....

Meeting to review and monitor situation and decide action to help.

Attended by:

**DISCUSSION DETAILS**

Reason for absence and advice as recorded on the fit note:	<b>ABSENCE - LAST 12 MONTHS</b>		
	<b>FROM</b>	<b>TO</b>	<b>DAYS</b>
Is the absences related to a disability (please state):			
Is the absence due to an Accident/Incident/Work Related Ill Health? (If yes, complete the Report Form):			
Return to Work timetable:			
What are the barriers to a return to work?			
Help offered to overcome these barriers (consider feasibility of advice on fit note):			
Non-Medical Problems Contributing:			
Occupational Health Involvement:			
<b>SUMMARY/TARGETS/FURTHER REVIEW DATE</b>			
<b>Continue on additional sheet/letter if necessary</b>			

Signed:..... (Principal/Manager)

Signed:..... (Employee)

Copy sent to Employee  (please tick)

[Type here]

**3.8 Sickness Absence – Second Interview**      DATE.....

NAME.....      DATE OF BIRTH.....

ADDRESS .....      POST HELD.....

ACADEMY.....      PAYROLL NUMBER .....

Meeting to review and monitor situation and decide action to help.

Attended by:

**DISCUSSION DETAILS**

<b>Matters arising from First Sickness Absence Interview:</b>	<b>ABSENCE - LAST 12 MONTHS</b>		
	<b>FROM</b>	<b>TO</b>	<b>DAYS</b>
<b>Current position:</b>			
<b>Return to work timetable/barriers to a return to work?</b>			
<b>Help offered to overcome these barriers (consider feasibility of advice on fit note):</b>			
<b>Non-Medical Problems Contributing:</b>			
<b>Occupational Health Involvement:</b>			
<b>SUMMARY/TARGETS/FURTHER REVIEW DATE</b>			
If Employee has returned to work and achieved satisfactory attendance, you may choose to complete this box only			
Continue on additional sheet/letter if necessary			

Signed:..... (Principal/Manager)

Signed:..... (Employee)

Copy sent to Employee  (please tick)

[Type here]

**3.09 Sickness Absence - Final Stage**

DATE.....

NAME.....

DATE OF BIRTH.....

ADDRESS .....

POST HELD.....

ACADEMY.....

PAYROLL NUMBER .....

Meeting to make a decision regarding a return to work/continuation of employment.

Attended by:

An HR representative should attend

**MEDICAL DETAILS**

Matters arising from previous reviews:

**ABSENCE - LAST 12 MONTHS**

FROM	TO	DAYS

Current position :

Occupational Health Involvement:

Arrangement / Adjustments to help return - including any adjustments related to any disability-related absences:

Alternative options to a return:

**SUMMARY AND COMMENTS**

Signed: ..... (Principal/Manager)

Signed: ..... (Employee)

Copy sent to Employee  (please tick)

[Type here]

### 3.11 Letter Confirming Outcomes of a Sickness Absence Interview

Contact tel. no.  
E-mail  
(Date)

#### Strictly Personal and Confidential

(Name)  
(Address)

Dear

#### Outcomes of your Sickness Absence Interview

I write further to our meeting on ..... when we discussed your sickness absence record. A summary of those discussions is included on the attached form.

I thought that it would also be useful to set out in more detail the issues that we covered and also to update you on *(e.g. contacted OHP for referral, obtained more information regarding options to support return to work)*.

[key points of discussion including as appropriate--

--particular issues of support/adjustment

--personal issues

--service issues

--H&S issues

--any long-term underlying medical cause or disability and the period(s) of absence to which it applies]

**[suggested paragraphs set out overleaf cover a range of issues that may be relevant.]**

As discussed/I would like to meet with you again on ..... to review the situation further.

If you are in any way unclear about the content of the above letter, please do not hesitate to contact me.

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#### Notes for Principal

**Nothing should be included in the letter that wasn't discussed at the meeting unless it is an update about something the Principal has said that they will consider and would let the employee know in writing.**

This pro-forma letter provides the model for confirming arrangements and outcomes to any Sickness Absence Interview. However, in some instances, especially where a first interview has been held and there appear to be no specific complications, a Principal may feel that most of the important points are included within the accompanying Sickness Absence Interview form. Therefore, discretion can be used in these examples to restrict the detail within the confirmation letter.

## Long Term Absences

- It is accepted that all/much of your absence from work has resulted from a long-term underlying cause.
- As we discussed I do hope that you will be able to return to full health and regular full attendance at work within a reasonable period.
- I have decided that in respect of your overall absence, we will keep the situation under general review, including any support which I can consider, to help alleviate your situation.
- I am pleased to hear that you are improving and expect to return/have returned to work on the basis of ..... (e.g. phased return/other adjustment). I would like to make sure that you have the support that you need, so please let me know of any issues that you would like me to consider.
- Having considered your situation, I will continue to keep your absence under review with you and will continue to meet with you regularly to listen and discuss your progress. It is important that we are in regular contact and that we consider any support and reasonable adjustments to alleviate your situation.
- I am obliged to consider the extent and nature of your absence, together with the medical advice available to me and our organisational ability to sustain the present and likely level of absence. As we discussed the consequence of this is that I will meet with you again in .....time when we will need to consider further the options available including referring the matter to an ill health capability hearing to consider termination of employment.
- As we discussed at our meeting, it appears that a return to a normal and regular level of attendance at work is not possible and we have not been able to identify any reasonable or practical ways of supporting your return to work. I will refer the matter to a formal Ill Health Capability Hearing to consider whether your employment can be continued. You will receive a copy of my report along with details of the hearing itself in due course.
- With respect to those periods of your overall absence which are not directly related to an underlying medical cause and/or disability, I am also making additional provision through the requirements below:

## Short Term Absences

- In looking at your overall sickness record, your period(s) of absence do not appear to relate directly to any principal long-term underlying medical cause. An immediate and sustained improvement in the incidence of short-term absences of this nature is required.
- Should you feel, following our earlier consideration of your sickness absence, that some of these absences do in fact relate directly to a long-term underlying medical cause or disability, please tell me so that I can arrange for the Occupational Health Service to advise further.
- To support you in achieving this improvement, I will monitor your future attendance, and I would advise you that if you have ..... short-term absences of this nature, then I will need to convene a further Sickness Absence Interview so that we can consider your attendance further.
- I am pleased to note that your attendance has improved since your last Sickness Absence Interview. This improvement is very much appreciated. It is also important that you understand that you must now sustain this improvement. I will continue to monitor your attendance, and will consider any support that you feel will help you sustain your improved attendance, if you will let me know what this might be.
- Your period(s) of absence do not appear to relate directly to a long-term underlying medical cause. An immediate and sustained improvement in the incidence of short-term

[Type here]

absences of this nature is required. I have previously advised you of the need for improvement in your attendance but, unfortunately, this has not been achieved.

- To support you in achieving this improvement, I will continue to monitor your future attendance, and I would also advise you that if you have ..... short-term absences of this nature, then I will need to consider further action, and will convene a further Sickness Absence Interview for this purpose.
- Your period(s) of absence, from.....to....., do not appear to relate directly to any long-term underlying medical cause. An immediate and sustained improvement in the incidence of short-term absences of this nature is required. I have previously advised you more than once of the need for improvement in your attendance but, unfortunately, this has still not been achieved.
- To support you in achieving this improvement, I will continue to monitor your future attendance. However, as we discussed, I would also advise you that if you have ..... short-term absences of this nature, the consequence of this is that I will meet with you again in .....time. I will then need to consider further the options available including referring the matter to a hearing to consider termination of your employment.

[Type here]

### 3.12 Managing a 'phased return to work'

The academy promotes a supportive approach to the return to work of colleagues who have suffered long term absence. Such absences may be as a result of various circumstances and might include post operative recovery, stress related conditions, post viral syndrome, development of a recognised disability etc.

Whilst supportive approaches are to be encouraged they must take account of the academy's legal, financial and duty of care responsibilities in relation to its employees.

The following issues need to be carefully considered before embarking on any discussions regarding 'phased return to work'.

Phased return to work programmes should only be implemented where the GP certifying the illness is prepared to fully endorse such a course of action on a fit note and is supported by Occupational Health and considered reasonable by the Principal.

The GP will indicate on the fit note the amendments and adaptations which they think are suitable and the Principal needs to consider whether they are operationally feasible.

Any arrangements need to have a clear time scale placed around them and be the subject of regular review with the employee concerned during the phasing in period (usually no longer than four weeks).

Where the GP provides a fit note related to a 'phasing in programme' and charges the employee a fee for that purpose, the academy will normally refund the cost incurred on production of a receipt.

Previous guidance regarding payment during phasing in remains pertinent. Payment should be in relation to the employee's status in terms of entitlement in relation to the sick pay scheme

i.e: Full pay whilst working less than full time hours during the period of entitlement to full pay

**or**

When full pay expires payment should be at half pay if working half time or less OR an appropriate proportion of full pay if working more than half time hours. In circumstances where an employee returns to work after being out of pay, they should receive a level of payment equivalent to the amount of hours worked.

If during a phased return to work the employee's period of entitlement to full pay extends into half pay or half pay into no pay, the employee's salary will be adjusted accordingly.

It is also vital during a 'phased return to work' that Principals ensure that payroll is kept fully informed and that advice is sought from the HR provider regarding individual cases.

[Type here]

### 3.13 Letter requesting attendance at an Ill Health Capability Hearing

Contact tel. no.

E-mail

(Date)

#### Strictly Personal and Confidential

(Name)

(Address)

Dear

#### Invitation to an Ill Health Capability Hearing

Further to the decision made at the final stage review on (insert date) and in line with the academy's sickness absence procedure I am writing to invite you to an Ill Health Capability Hearing with a Committee of Governors on (date, time, venue).

Copies of all documents to be presented at the Ill Health Capability Hearing are enclosed, along with a copy of the procedure to be followed at the hearing.

You have the right to be accompanied at the hearing by a trade union representative, an official employed by the trade union or work colleague. Please advise me at least 2 working days before the hearing as to who will accompany you.

If you wish to submit a written statement or other documentation to me prior to the hearing, or if you arrange for any witnesses to attend in support of your statement of case, please ensure that this information is supplied to me at least 2 working days before the hearing.

At this hearing you should be aware that options will be considered which include dismissal due to your continuing ill health. You should be aware that this may be an outcome of this meeting.

Please confirm that you will be attending the hearing by signing the attached copy of this letter and returning it in the envelope provided.

If you require any special arrangements at the hearing i.e. accessible venue, please let me know by **(date)**.

I can advise that you can also contact Worklife Support, the academy's Employee Assistance Programme on 0845 873 5680 / 020 7700 8370

If you have any queries about this, please do not hesitate to contact me on the above contact details.

Yours sincerely

### **3.14 Procedure to be followed at an Ill Health Capability Hearing**

#### **Statement by the Academy**

1. The Presenting Officer/ Principal will make a statement and refer to the report in the presence of the employee, and the representative. The Presenting Officer/Principal may call witnesses at this stage.
2. The employee (or their representative) will have the opportunity to ask questions of the Presenting Officer/ Principal (and any witnesses called) on the evidence given, including that of any witnesses.
3. The Members of the Committee and HR representative attending in an advisory capacity will have the opportunity to ask questions of the Presenting Officer/ Principal and any witnesses.

#### **Statement by the Employee**

4. The employee (or their representative) will make a statement relating to issues in the presence of the Presenting Officer/ Principal, and may call any witnesses at this stage.
5. The Presenting Officer/ Principal will have the opportunity to ask questions of the employee and any witnesses.
6. The Members of the Committee and HR representative attending in an advisory capacity will have the opportunity to ask questions of the employee and any witnesses.

#### **Summing Up**

7. The Presenting Officer/ Principal and the employee (or their representative) will have the opportunity to offer a summary of their statements if they so wish. No new evidence may be offered at this stage.

#### **Parties to Withdraw**

8. The Presenting Officer/ Principal and the employee and their representative will then withdraw from the meeting.

#### **Consideration**

9. Members of the Committee with the HR representative acting in an advisory capacity will deliberate, in private, only recalling the Presenting Officer/ Principal or the employee to clear any points of uncertainty on evidence already given. If recall is necessary, both parties will return to the meeting notwithstanding only one is concerned with the point given rise to doubt.

#### **Decision**

10. When the Committee has arrived at a decision, all parties will be recalled to the meeting and informed of that decision.
11. The HR representative attending in an advisory capacity will then outline how and when the decision will be conveyed in writing to the employee, and give any further details in relation to appeal or process

[Type here]

### 3.15 Letter Confirming Outcomes of an Ill Health Capability Hearing

Contact tel. no.  
E-mail  
(Date)

#### Strictly Personal and Confidential

(Name)  
(Address)

Dear

#### Outcome of the Ill Health Capability Hearing

I write to confirm the outcome of the Ill Health Capability Hearing held on *(insert date)*. As you know, the purpose of the hearing was to consider the report presented by *(insert name)*, Principal, regarding your continued absence from academy due to your ill health. A copy of this report had previously been sent to you.

Careful consideration to the submissions was made and to the issues raised by both you and *(insert name of union rep)*, a representative of your union.

Following such consideration, I/Governors have concluded that: *(insert details of the report, for example)*

- Details of absence
- Issues discussed during Sickness Absence Interviews i.e. adjustments/alternative employment
- Advice from Occupational Health
- Operational problems which the absence has caused

As a result of the above and in light of submissions made today:

(1) I/Governors concluded that, as an alternative to dismissal, your employment would continue with *(name of academy)*, dependent on the following conditions:

- that your medical condition continues to be manageable and your attendance continues to improve.
- over the next six-month period your attendance will be monitored and you will be offered further support from your Principal via the usual supervision process to help you maintain regular and effective service.
- should the usual sickness absence trigger be hit, then a Final Stage Review will be held and if appropriate a referral made to Occupational Health.
- if your attendance doesn't improve during this time then a further Capability Hearing will be reconvened.

(2) It is therefore, with regret, that I/Governors have determined your employment with *(place of work)* should cease due to ill health.

You will receive official notification of this giving you appropriate notice.

[Type here]

You have the right of appeal against this determination to the Appeals Committee of the Local Governing Body. If you wish to exercise this right, please write to (insert name), within ten working days of receipt of this letter, providing the grounds of the appeal.

Please contact me if you require any further information on this matter.

Yours sincerely

(Name)  
(Job title)

Cc: HR representative

Final

### **3.16 Procedure to be followed at an Ill Health Capability Appeal**

#### **Introduction**

Members of the Committee will invite all parties present to introduce themselves and their role in the hearing. A representative from HR will be in attendance. The purpose of the hearing, how it will be conducted and the powers of the Committee should be explained.

#### **Statement by the Employee**

- 1 The employee (or his/her representative) will put the case in the presence of the Presenting Officer/ Principal and will call any witnesses (if appropriate).
- 2 The Presenting Officer/ Principal will have the opportunity to ask questions of the employee and his/her witnesses.
- 3 The Members of the Committee and HR representatives attending in an advisory capacity will have the opportunity to ask questions of the employee and his/her witnesses.

#### **Statement of case by the Academy**

- 4 The Presenting Officer/ Principal will put the case in the presence of the employee and his/her representative and will call witnesses.
- 5 The employee (or his/her representative) will have the opportunity to ask questions of the Presenting Officer and his/her witnesses.
- 6 The Members of the Committee and HR representative attending in an advisory capacity will have the opportunity to ask questions of the Presenting Officer/ Principal and his/her witnesses.

#### **Summing Up**

- 7 The Presenting Officer/ Principal and then the employee (or his/her representative) will have the opportunity to sum up their cases if they so wish.

#### **Parties to Withdraw**

- 8 The Presenting Officer/ Principal and the employee (and his/her representative) withdraw from the hearing.

#### **Consideration by the Committee**

- 9 The Members of the Committee and HR representative attending in an advisory capacity will deliberate in private, only recalling the Presenting Officer/ Principal and the employee (and his/her representative) to clear points of uncertainty on evidence already given. If recall is necessary, both parties are to return notwithstanding only one is concerned with the point giving rise to doubt.

#### **Decision**

[Type here]

- 10 When the Committee has reached a decision the employee (and his/her representative) and the Presenting Officer/ Principal will be invited back in and informed of that decision.
- 11 The HR representative attending in an advisory capacity will then outline how and when the decision will be conveyed in writing to the employee.

Final

### 3.17 Occupational Health Role in the Management of Long Term Sickness Absence

