



# Sickness Management Policy

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This policy will be interpreted and applied in accordance with the employers' duty to respect the rights of employees under the Human Rights Act, particularly the rights to freedom of speech, privacy, freedom of religion and belief and the right to freedom of association.

Recognised trade unions have been consulted on this policy.

## Document provenance

This policy was approved by Trustees as follows –

Education & Personnel Committee	Date: 14 December 2017
Frequency of review: every 2 years	Next review date: November 2019
ELT Owner: Director of Corporate Services	Author: National HR Officer

Summary of changes at last review:

- Update on reporting procedure
- Details on providing evidence if you aren't able to attend work i.e. fit note
- Inclusion of unauthorised absence and keeping in contact during sickness
- Information on return to work interviews
- Added that annual leave can be reclaimed if off sick (providing procedure adhered to)

Related documents:

- Diversity and Equality Policy
- Inclusion of unauthorised absence and keeping in contact during sickness
- Information on return to work interviews

# Sickness Management Policy

## 1. Introduction

- 1.1 E-ACT is committed to creating a positive working environment. Employees who are absent from work due to sickness need to be treated with consideration and respect. In particular, Head Teachers and managers should make every effort to assist staff in their recovery and return to work. The needs of the individual suffering from sickness must however be balanced against the needs of the Academy and the pupils.
- 1.2 This policy does not form part of any employee's contract of employment and it may be amended at any time following consultation with the nationally recognised trade unions. We may also vary the procedures set out in this policy, including any time limits, as appropriate in any case, following consultation with the nationally recognised trade unions.

## 2. Purpose

- 2.1 This policy is intended to support staff and enable managers to manage sickness absence in a way, which is fair and consistent and complies with employment and education legislation.

## 3. Governance

- 3.1 The Board of Trustees is responsible for setting out capability rules and procedures for staff, however, they may delegate these matters to either:
  - A Committee of the Board
  - The Chief Executive
  - A National Director
  - A Regional Director
  - The Head Teacher.
- 3.2 Therefore, where this procedure refers to the Board of Trustee representative, this can be any one of the above. Where dismissal is a possible outcome, E-ACT's procured HR Consultant from Browne Jacobson should attend any meetings or hearings held as part of this procedure.

## 4. Scope

- 4.1 This procedure applies to all permanent and fixed term employees who have satisfactorily completed their probationary period. Other staff will be reviewed in the light of their actual attendance.
- 4.2 The general principles for resolving absence problems are the same for teaching and support staff.

## 5. Equal Opportunities

- 5.1 The absence management procedure must always be applied fairly and in accordance with employment law and E-ACT's Diversity and Equality Policy.
- 5.2 Sickness absence may amount to a disability under the Equality Act 2010. Where this is a possibility, specialist advice should be obtained (e.g. from Occupational Health and E-

ACT's procured HR provider) and reasonable adjustments to the individual's working systems or environment that may be appropriate should be considered. Under the legislation, employers have a duty to make 'reasonable adjustments' where any aspect of working arrangements (including premises) places a person with a disability at a substantial disadvantage.

- 5.3 It is acknowledged that disability is by no means generally synonymous with sickness or absence from work, however, guidance recognises that some people with a disability will have conditions, which are from time to time relevant in terms of sickness absence management.
- 5.4 The legislation defines a person with a disability as a person with a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on their ability to do normal daily activities.

## **6. Confidentiality**

- 6.1 Information about sickness absence must be handled carefully and in accordance with the Data Protection Act 1998 to ensure that sensitive details remain confidential.

## **7. Responsibilities**

- 7.1 The Board of Trustees is responsible for maintaining fair, consistent and objective procedures for matters relating to staff sickness absence.
- 7.2 The headteacher is responsible for the management of the policy at Academy level, the Regional Director of Operations at regional level, and the Chief Executive at national level. Management involved in the sickness management policy should be competent for the task. Appropriate training should be made available to managers where required.
- 7.3 E-ACT has a duty of care to all its employees and may decide to involve Occupational Health at any point where there is a cause for concern.

## **8. Reporting procedures**

- 8.1 All employees are required to follow the reporting procedure set out below unless there are exceptional circumstances.
- 8.2 If you are taken ill or injured while at work you should report this to your line manager. Managers should contact their Academy HR lead (academy staff), Regional Operations Director (regional staff) and National HR lead (national staff) to make arrangements for anyone who is unwell to be accompanied home and/or to receive medical treatment where necessary.
- 8.3 If you cannot attend work because you are ill or injured you should normally telephone your line manager or Academy HR lead (academy staff), Regional Operations Director (regional staff) and National HR lead (national staff) as early as possible and no later than 9 am (or the start of your contractual working time). The following details should be provided:
  - (a) The nature of your illness or injury.
  - (b) The expected length of your absence from work.
  - (c) Contact details.
  - (d) Where possible, any outstanding or urgent work that requires attention, including information in relation to student work that needs covering.

- 8.4 Contacting by text message or email is not acceptable unless in exceptional circumstances. In exceptional circumstances where contact needs to be made by text message or email, this should be followed up with a telephone call as soon as possible.
- 8.5 Managers should ensure that:
- (a) Any sickness absence that is notified to them is recorded and reported to the Academy HR lead (academy staff), Regional Operations Director (regional staff) and National HR lead (national staff).
  - (b) Arrangements are made, where necessary, to cover work and to inform colleagues (while maintaining confidentiality).
- 8.6 It is important that all staff absent from work due to sickness follow the above procedure for reporting sickness absence. Any persistent failure to follow the procedure by an individual could result in the disciplinary procedure being invoked at the Board of Trustees' representative's discretion.
- 8.7 If an employee provides false evidence of incapacity or if an absence is not notified, it will be dealt with through the E-ACT Disciplinary Policy.

## **9. Evidence of incapacity**

- 9.1 For sickness absence of between four and seven calendar days you must complete a self-certification form which is available from your line manager or academy HR lead (academy staff), Regional Operations Director (regional staff) and national HR lead (national staff).
- 9.2 For absence of 8 calendar days or more you must obtain a certificate from your doctor (a 'Statement of Fitness for Work') stating that you are not fit for work and the reason(s) why. This should be forwarded to your line manager as soon as possible. If your absence continues, further medical certificates must be provided to cover the whole period of absence.
- 9.3 If your doctor provides a certificate stating that you 'may be fit for work' you should inform your line manager immediately. Your line manager will discuss with you any additional measures that may be needed to facilitate your return to work, taking account of your doctor's advice. This may take place at a return to work interview. If appropriate measures cannot be taken, you will remain on sick leave and we will set a date to review the situation.
- 9.4 Where we have reason to be concerned about an employee's absence, or following frequent short-term absence, we may require a medical certificate for each absence regardless of duration. In such circumstances, we will cover any costs incurred in obtaining such medical certificates, for absences of a week or less, on production of a doctor's invoice.

## **10. Unauthorised absence**

- 10.1 Cases of unauthorised absence will be dealt with under our Disciplinary Procedure.
- 10.2 Absence that has not been notified according to the sickness absence reporting procedure will be treated as unauthorised absence.
- 10.3 If you do not report for work and have not telephoned your line manager, or Academy HR lead (academy staff), Regional Operations Director (regional staff) and National HR lead (national staff), to explain the reason for your absence, your line manager will try to contact you, by telephone and in writing if necessary. This should not be treated as a substitute for

reporting sickness absence.

- 10.4 Failure to properly report your absence or to provide medical or self-certification without good reason could lead to your pay being suspended.

## **11. Keeping in contact during sickness absence**

- 11.1 If you are absent on sick leave you should expect to be contacted from time to time by your line manager in order to discuss your wellbeing, expected length of continued absence from work and any of your work that requires attention. Such contact is intended to provide reassurance and will be kept to a reasonable minimum.
- 11.2 If you have any concerns while absent on sick leave, whether about the reason for your absence or your ability to return to work, you should feel free to contact your line manager at any time.

## **12. Medical examinations**

- 12.1 We may, at any time in operating this policy, ask you to consent to a medical examination by our Occupational Health Department or a doctor nominated by us (at our expense).
- 12.2 You will be asked to agree that any report produced in connection with any such examination may be disclosed to us and that we may discuss the contents of the report with our advisers and the relevant doctor.
- 12.3 Failure to agree to a reasonable request will be considered by the employer on a case by case basis and a judgement will be made as to whether the sickness management process should continue or whether the failure to agree to a reasonable request may be considered under the Disciplinary Policy.

## **13. Time off to attend medical appointments**

- 13.1 For attendance at medical appointments, please see E-ACT's Annual Leave and Special Leave Policy.

## **14. Sick pay and entitlement**

- 14.1 The sick pay and sick leave terms and conditions for employees are as outlined in their contracts of employment.

## **15. Sickness during holidays**

- 15.1 If employees are sick on a public holiday they will not qualify for time off in lieu at a later date.
- 15.2 If employees are sick whilst taking annual leave, the absence will be classified as sickness subject to the following criteria:
- The line manager must be informed at the time of sickness and not after the period of annual leave; and
  - A Doctor's medical certificate must be produced regardless of the length of the absence.
- 15.3 If employees are sick during their annual leave and have adhered to the criteria in 15.2 then they will have the opportunity to take paid leave (for the number of days of certified

sickness during their annual leave) at a later date.

## **16. Support**

16.1 All employees have access to the Employee Assistance Programme. All employees can also contact their unions/professional associations for support.

## **17. Breaches of the sickness management policy**

17.1 Breaches of the sickness management policy or procedure will be dealt with under the disciplinary procedure.

## **18. Review**

18.1 This policy will be reviewed every two years in consultation with the recognised trade unions.

## Part A: Occasional short-term sickness

### **1. Return-to-work interviews**

- 1.1. If you have been absent on sick leave we will arrange for you to have a return-to-work interview with your line manager regardless of the length of absence.
- 1.2. A return-to-work interview enables us to confirm the details of your absence. It also gives you the opportunity to raise any concerns or questions you may have, and to bring any relevant matters to our attention. It also enables the manager to brief you on any developments which have arisen during your absence.
- 1.3. Where your doctor has provided a certificate stating that you 'may be fit for work' we will hold a return-to-work interview to discuss any additional measures that may be needed to facilitate your return to work, taking account of your doctor's advice.
- 1.4. The line manager should document all stages of the procedure.

## Part B: Repetitive and persistent short-term sickness

### 1. Overview

- 1.1 Cases of repetitive and persistent short-term sickness need handling in a reasonable and fair way, but prompt and consistent treatment are essential in order to demonstrate to both the employee concerned and other employees that repetitive and frequent absence is regarded as a serious matter.
- 1.2 It is expected that if there is any concern about absences, it should be expressed informally to the employee at an early stage. This is best dealt with during a return to work discussion and appropriate advice and support offered as necessary. This should usually occur if there is a pattern of frequent short-term absence that is considered unsatisfactory and as having a damaging effect on the pupils' learning and the operation of the academy.
- 1.3 In most cases, an informal discussion at a return to work meeting will suffice and the level of attendance will improve. However, in those circumstances where an employee's attendance is unsatisfactory, the formal procedure should be invoked.

### 2. Trigger

- 2.1 Sickness management procedures should be considered whenever an employee meets any of the following conditions:
  - Seven continuous days absence within any rolling twelve month period
  - Three separate absences within any six month period; or
  - When a combination of odd days, or longer periods and patterns of absence causes concern.
- 2.2 The line manager needs to use their discretion and consider individual circumstances when making a decision as to the particular stage at which the issue should be addressed through an Attendance Review meeting (see below). If s/he is in doubt as to whether an individual's sickness levels warrants an Attendance Review Meeting, s/he should consult E-ACT's procured HR for guidance.

### 3. Attendance review meeting

- 3.1 A confidential informal meeting between an appropriate manager, and employee should be arranged as soon as the employee's manager identifies a short-term sickness problem. This meeting is designed to be supportive towards the employee and to identify any underlying needs or issues. The employee will be informed of their right to be accompanied by a Trade Union representative or work colleague to the Attendance Review Meeting.
- 3.2 The aims of the Attendance Review Meeting are to:
  - Signal that the employee's time off is a cause for concern;
  - Allow the employee to provide information about any medical problem;
  - Allow the employee to explain other causes of absence; and
  - Identify any appropriate support for the employee.
- 3.3 A discussion should take place between the appropriate manager and the employee to register concern about the level of short-term absences, explore reasons for them and seek an explanation from the employee. If an underlying medical problem is suspected, the

individual should be referred to an Occupational Health Specialist. If there are no underlying reasons identified for the absences, assurance about a sustained improvement in attendance pattern should be established. The outcome of the meeting should be recorded in a report.

- 3.4 Where appropriate, support should be offered in the form of assistance with making arrangements for treatment or temporary adjustments to working hours.
- 3.5 After this meeting, the employee should be allowed reasonable time to show improved attendance. This monitoring period should be for a period of not normally less than twelve weeks, although there may be some occasions where a shorter or longer monitoring period will be reasonable and date(s) for review established.
- 3.6 Following the monitoring period, where the employee's attendance has improved satisfactorily they will not be subject to the Sickness Management Procedure and this will be confirmed to the employee in writing.

#### **4. First formal review meeting**

- 4.1 Where the individual's attendance record does not improve sufficiently after the monitoring period following the Attendance Review Meeting, the Senior Leadership Team or another appropriate Line Manager should arrange a first formal review meeting.
- 4.2 The employee should be given ten working days notice of the review and advised of their right to be accompanied by a trade union representative or work colleague at the meeting.
- 4.3 Your companion may make representations, ask questions, and sum up your position, but will not be allowed to answer questions on your behalf. You may confer privately with your companion at any time during a meeting.
- 4.4 You must take all reasonable steps to attend the meeting. Failure to do so without good reason may be treated as misconduct. If you or your companion are unable to attend at the time specified you should immediately inform your line manager who will seek to agree an alternative time within 5 working days of the originally scheduled meeting.
- 4.5 The aims and purpose of the first formal review meeting is to:
  - Continue to discuss the employee's sickness absence record;
  - Identify reasons for the lack of improvement;
  - Agree that the employee be referred or re-referred to an Occupational Health Specialist, where appropriate, to establish whether there are any medical or work-related reasons for the employee's absences;
  - Discuss any steps which the Academy's management might take in order to help the employee;
  - Advise the employee of the employment implications of their absence;
  - Check the potential for redeployment (although this will rarely be appropriate for persistent short-term sickness);
  - Warn the employee that if there is not significant sustained improvement, a second formal review meeting or contractual review meeting will take place. The employee may be given notice (not normally less than twelve weeks, although there may be some occasions where a shorter or longer monitoring period will be reasonable and date(s) will be established for the second review meeting or contractual review meeting at this stage, or at a later stage during the monitoring period, which may be up to one year in duration); and

- Inform the employee that their attendance will be closely monitored for a specified period
- 4.6 Referrals to the Occupational Health Specialist should be undertaken prior to the first formal review meeting.
- 4.7 If the employee does not give consent for an approach to an Occupational Health Specialist, the senior manager must proceed with the First Formal Review Meeting.
- 4.8 If, following a referral to the Occupational Health Specialist, no underlying reasons have been identified and there is still no or insufficient improvement made, the senior manager holding the First Formal Review Meeting must consider the following when deciding on further appropriate action:
- The employee's length of service;
  - The employee's performance whilst in service;
  - The possibility of seeing a change in the employee's attendance;
  - The availability of alternative work considered suitable for the employee; and
  - The effect of past and future absences on the Academy, Regional and National teams.
- 4.9 The outcome of the first formal review (which may involve the issue of a first or, in exceptional circumstances, a final written warning) should be confirmed in a letter to the employee written by the senior manager who carried out the first formal review meeting, within five working days of the meeting. Where appropriate the manager may decide to reconvene the first formal review meeting in order to consider further evidence and advice.

## **5. Second formal review meeting**

- 5.1 Where the individual's attendance record does not improve sufficiently after the first formal review meeting and/or the issue of a first written warning, the Head Teacher, Regional Director or National Director should arrange a second formal review.
- 5.2 The second formal review meeting will follow the format of the first formal review meeting.
- 5.3 An outcome of the second formal review may be to issue a first or final written warning.
- 5.4 Following the monitoring period, where the employee's attendance has improved satisfactorily they will not be subject to the Sickness Management Procedure and this will be confirmed to the employee in writing.

## **6. Contractual review meeting**

- 6.1 Where an employee's attendance record does not improve sufficiently following the second review meeting and/or the issue of a first or second written warning, a contractual review meeting should be arranged. By this stage, the employee will have been given every opportunity to improve attendance to an acceptable level. If all efforts have failed, E-ACT has a duty to consider termination of the contract of employment on the grounds that the employee is unable to meet their contractual obligations to work.
- 6.2 E-ACT, through the Head Teacher, Regional Director or National Director, must clearly emphasise the fact that the employee has been given a chance to improve their attendance by allowing a reasonable period of time between the first formal review and the contractual review.

- 6.3 A letter should be sent to the employee, giving them ten working days notice of the Contractual Review Meeting, and also advised of their right to be accompanied by a recognised trade union Representative or work colleague. The letter should also outline the employee's sickness record to date and inform them that as a result of the review, a decision may be made to terminate their contract of employment.
- 6.4 The Board of Trustees will delegate a person(s) to hear the case (please refer to E-ACT's Scheme of Delegated Authority) who may invite advisers as appropriate. If dismissal is a possible outcome, the relevant Browne Jacobson HR Consultant should attend.
- 6.5 The purpose of the Contractual Review Meeting is to:
- Consider medical evidence where it is available or appropriate. Should the employee wish the Chair of the meeting to consider additional evidence e.g. further medical reports, this should be supplied to him/her at least five working days before the Contractual Review Meeting; and
  - Consider possible ways to improve the employee's attendance. The Chair may, if appropriate, defer any decision to terminate the employment contract, in order to seek further advice.
- 6.6 However, if the Chair is satisfied that the employee is unfit to carry out the duties for which s/he is employed and is unable to sustain an acceptable level of attendance, a determination to dismiss the employee will be made on the grounds of incapability. The employee must be informed in writing of the outcome of the contractual review meeting within five working days, and advised of their right to appeal against dismissal. Appeals must be made in writing stating the grounds for the appeal and lodged with the Head Teacher (academy staff), Regional Operations Director (regional staff) and Director of Corporate Services (national staff) within ten working days of the written outcome of the contractual review.
- 6.7 Following the monitoring period, where the employee's attendance has improved satisfactorily they will not be subject to the Sickness Management Procedure and this will be confirmed to the employee in writing.

## **7. Appeal**

- 7.1 Appeals will be heard by the Appeals Committee as delegated by the Board of Trustees (please see E-ACT's Scheme of Delegated authority). Appeals must be made in writing to the Head Teacher (academy based staff), Regional Director (regional staff) and National Director (nationally based staff) within ten working days of receipt of the written outcome of the Contractual Review Meeting and state the full grounds for the appeal. Where an employee is appealing against the decision of dismissal, a representative from Browne Jacobson must be present.
- 7.2 The Head Teacher, Regional Director or National Director will then write to the employee, giving details of the Appeal Hearing, which will normally take place as soon as possible on receipt of the employee's written appeal. The employee will be advised in writing of their right to be accompanied at the Appeal Hearing by a trade union representative or work colleague.
- 7.3 A quorum of the Appeals Panel will be three.
- 7.4 The Chair will then communicate the decision, which will be final, in writing to the employee within ten working days of the Appeal Hearing.

## Part C: Managing long-term absence (or regular absence covering substantial periods)

### 1. Informal contact

- 1.1 Where an employee has been absent from work due to sickness and this extends into a second continuous week, the line manager must make every effort to make contact with the employee, in order to establish the current situation. This should be done in a sensitive manner, giving due consideration to the employee's well being. At this point, the frequency of contact should be discussed and agreed with the employee. It is advised that this should be approximately every two weeks, unless circumstances dictate otherwise. Moreover, it is important to keep a record of the contact (including attempted contact) on every occasion.

### 2. Formal contact

- 2.1 Long term sickness absence will normally be characterised by an underlying medical condition resulting in continual absence of 20 working days or more. However, alternatively, if the absence is shorter but of a serious nature or covers a briefer period but is one of a series of absences suggesting a possible deep-rooted problem, the manager should make arrangements for a referral to Occupational Health.
- 2.2 Where sickness absence monitoring indicates a long term absence of more than 4 weeks or a development of a long term health problem, the manager should refer the member of staff to Occupational Health, in order to:
- Establish the state of the employee's health;
  - Offer assistance and support to the employee, and
  - Obtain an opinion on the likelihood of a sustained return to work.
  - Consider any recommendations under the Equality Act 2010.
- 2.3 The employee must be informed of the referral to Occupational Health. A letter, telephone call or home visit by the appropriate manager may be necessary to allay any concerns the employee may have. This must be done sensitively and home visits should only be undertaken by mutual consent. The main aim is to maintain contact with the employee and allay any concerns the employee may have.
- 2.4 If it appears likely that the employee will be absent for a considerable period of time or when a terminal illness has been diagnosed, the manager will need to assess the situation with the Head Teacher, Regional Director, National Director or his/her nominee. In either circumstance, it may be that no further action will be necessary, except for maintaining a reasonable level of contact with the employee.
- 2.5 The Regional Operations Director (academy and regional staff) and the National Director of Finance & Resources or his/her nominee need to liaise with their payroll provider when staff members are absent due to long term sickness. This will ensure that staff members revert to half pay or where they are due in the next pay period to exhaust their entitlement to occupational sick pay or statutory sick pay (SSP) and thus, overpayments will be avoided. Employees due to revert to half or nil pay should receive written notification from the Academy as far in advance as possible.

2.6 For Teaching staff, as stated in the Conditions of Service for School Teachers in England and Wales ("the Burgundy Book"), if a teacher has been absent because of depression, stress, anxiety or psychiatric illness, and they have been absent for three months or more, they must be referred to an Occupational Health Specialist before they can return to work. If the GP has signed the employee fit to return to work form before the referral process has been completed, the employee must be medically suspended on full pay pending an appointment with Occupational Health.

### **3. Return to work**

3.1 In many cases following a long absence a phased or gradual return to normal hours and responsibilities within a fixed timescale is a key way 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 establish a Written Return to Work Programme. Advice from Occupational Health will be considered, at the meeting where management, the employee and their trade union representative will be present. Any medical reports and the views of the employee's General Practitioner will be taken into consideration.

3.2 Where an employee is recovering from a mental health condition, including stress-related illness, careful consideration will be given to taking steps designed to minimise undue workplace pressures and a stress risk-assessment will be undertaken.

3.3 Provision will need to be made that affords the opportunity for those who are recovering from a long-term illness or injury to return to work in a phased and supported manner and this may include consideration of a period of therapeutic support programmes.

### **4. First formal review**

4.1 If the prognosis for a return to work is uncertain the Head Teacher, Regional Director, National Director or his/her nominee will write inviting the employee to a first formal review, giving ten working days notice. The employee should be advised of their right to be accompanied by a trade union representative or a work colleague and they should be provided with details of their sickness record.

4.2 The purpose of the first formal review should be to determine:

- the medical treatment that the employee is receiving and the prognosis for recovery within a reasonable length of time;
- what the employer can reasonably do to help the employee return to work, including any reasonable workplace adjustments that may need to be considered (advice on this may be sought from E-ACT's procured HR provider or Occupational Health);
- whether in all the circumstances the employer can be expected to wait for the employee to return to work;
- the likely length of continuing or repeated absences;
- to advise the employee of the employment implications of their absence.

4.3 Outcomes from the first formal review meeting (which may include the issue of a first written warning) should be confirmed to the employee, in writing, within five working days of the meeting.

4.4 Following the monitoring period, where the employee's attendance has improved satisfactorily they will not be subject to the Sickness Management Procedure and this will be confirmed to the employee in writing.

## **5. Second formal review meeting**

- 5.1 Where the individual's attendance record does not improve sufficiently after the first formal review meeting and/or the issue of a first written warning, a second formal review meeting should be arranged.
- 5.2 The second formal review meeting will follow the format of the first formal review meeting
- 5.3 An outcome of the second formal review meeting may be to issue a final written warning.
- 5.4 Following the monitoring period, where the employee's attendance has improved satisfactorily they will not be subject to the Sickness Management Procedure and this will be confirmed to the employee in writing.

## **6. Contractual review process**

- 6.1 Where the individual's attendance record does not improve sufficiently after the first formal review meeting and/or the issue of a first written warning, a second formal review meeting should be arranged.
- 6.2 Where an employee's attendance record does not improve sufficiently after a second review meeting and/or the issue of a final written warning, a contractual review meeting should be arranged.
- 6.3 Occupational Health may be asked as to whether a further review of progress is necessary before any prognosis of the employee's future state of health can be given.
- 6.4 The employee should be given ten working days notice of the contractual review meeting and advised of their right to be represented by a recognised trade union or work colleague. The letter should outline the employee's absence record to date and inform them that as a result of the review a decision may be made to terminate the contract of employment.
- 6.5 As delegated by the Board of Trustees the person(s) hearing the case (please see E-ACT's Scheme of Delegated Authority) may invite advisers as appropriate. If dismissal is a possible outcome, the relevant Browne Jacobson HR Consultant should attend.
- 6.6 The purpose of the meeting is to:
  - Explain the medical advice received;
  - Explain the implications for the employee's colleagues and the service, where the advice is not encouraging;
  - Determine the likely duration of the absence or continuation of the condition;
  - Check the potential for redeployment/job redesign or any other reasonable adjustments that may need to be considered;
  - Check the appropriateness of ill-health retirement;
  - Where a full return is expected but not within the near future, where the prognosis is indeterminable, or where there is an underlying medical condition causing persistent short term sickness, the Chair must assess whether in all the circumstances the employee's continued absence is tolerable. Where a determination to dismiss is made, this will be on the grounds of incapability.
- 6.7 The employee must be informed in writing of the outcome of the Contractual Review meeting within five working days, and advised of their right to appeal against dismissal.

## **7. Appeal**

- 7.1 Appeals will be heard by the Appeals Committee as delegated by the Board of Trustees (please see E-ACT's Scheme of Delegated authority). Appeals must be made in writing to the Head Teacher (academy based staff), Regional Director (regional staff) and National Director (nationally based staff) within ten working days of receipt of the written outcome of the Contractual Review Meeting and state the full grounds for the appeal. Where an employee is appealing against the decision of dismissal, a representative from Browne Jacobson must be present.
- 7.2 The Head Teacher, Regional Director or National Director will then write to the employee, giving details of the Appeal Hearing, which will normally take place as soon as possible on receipt of the employee's written appeal. The employee will be advised in writing of their right to be accompanied at the Appeal Hearing by a trade union representative or work colleague.
- 7.3 A quorum of the Appeals Panel will be three.
- 7.4 The Chair will then communicate the decision, which will be final, in writing to the employee within ten working days of the Appeal Hearing.