

This policy is part of the Ebor People Policy Suite

Please refer to Self Service HR for the latest version of this and other Ebor People Policies.



EBOR ACADEMY TRUST

Policy Number

39e

SUPPORTING STAFF ATTENDANCE POLICY

Ebor Academy Trust works closely with Trade Union Partners to develop and implement a fair and effective suite of people policies. Please seek advice from your trade union representative if you require support with this policy. If you are not a member of a trade union, please visit the Union tab or HR Self-service. Ebor Academy Trust welcomes Trade Unions to support staff throughout the processes associated with this policy.

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Note that schools which are part of the HR automated for trial should use Google forms in place of those included in this document

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INCLUSION

Ebor Academy Trust is committed to:

- Promoting equality and diversity in its policies
- Delivering high quality teaching and services that meet the diverse needs of its children and workforce, ensuring that no individual or group is disadvantaged
- The application and outcomes from this policy will be monitored to ensure staff are treated equitably when approaching, taking and returning from family leave, and that they are not disadvantaged by taking family leave or having caring responsibilities.

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1 Aims

This policy aims to:

- Set out our Ebor Academy Trust's approach to supporting staff attendance; specifically, the procedures for reporting sickness and how we manage sickness absence fairly
- Support all parties in managing staff sickness and absence effectively and consistently, to ensure a fair and transparent approach across the Trust that complies with our duties under the [Equality Act 2010](#)
- Set out our approach to requests for time off outside of annual leave and other authorised time off
- Help create and maintain a happy and healthy working culture in which staff are encouraged to look after their physical and mental wellbeing

2 Legislation and guidance

This policy meets the requirements of:

- [Data Protection Act 2018](#)
- [Employment Rights Act 1996](#)
- [Employment: Statutory Code of Practice](#)
- [Equality Act 2010](#)
- [Induction for Early Career Teachers \(England\)](#)
- [The Statutory Sick Pay \(General\) Regulations 1982](#)

It also reflects best-practice guidance set out in:

- [The Advice, Conciliation and Arbitration Service \(Acas\)'s guidance on holiday, sickness and leave](#)
- The Health and Safety Executive (HSE) [incident reporting in schools](#)
- [RIDDOR 2013](#)

Some of our staff have a contract that specifically incorporates conditions from:

- [School Teachers' Pay and Conditions Document \(STPCD\)](#)
- [Conditions of Service for School Teachers in England and Wales](#) (the Burgundy Book)
- [The National Agreement on Pay and Conditions for Support Staff](#) (the Green Book)

Related Policies: Disciplinary, Staff Leave Policy, Health & Safety

This policy is non-contractual.

3. Scope

3.1 Eligibility

This policy applies to staff employed directly by Ebor Academy Trust. Self-employed workers, volunteers and agency workers refer to their own policies, guidance and arrangements.

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3.2 Exceptions

This policy does not apply to staff who are:

- Taking maternity, paternity, shared parental and/or adoption leave or staff taking leave for dependents. It does not cover pre-arranged and authorised time off for annual leave or for other purposes covered in the Staff Leave policy.

4 Data protection

Discussions and sensitive medical and personal information about staff members' sickness and other absence will be treated confidentially by all parties concerned. This data will be collected, used and stored in the Trust policy on data retention please see our website for more detail on how data will be processed.

5 Roles and responsibilities

5.1 Headteacher / Line Manager

The headteacher or line manager is responsible for ensuring that:

- This policy is applied consistently across our school and that it is in line with equality legislation
- Staff are aware of this policy and their responsibilities
- Supporting staff and managing ill-health matters confidentially and sensitively
- Promoting positive working arrangements, including monitoring workload and maintaining effective communication with staff
- Monitoring staff absence and following the procedures on managing staff absence if 'absence review points' are surpassed
- Liaising with the HR Business Partner promptly so that they can support managers to implement the processes within the policy
- Giving due regard to equality legislation and taking any disability requirements into consideration
- Trade Union representatives are invited to attend all meetings referred to in this policy. Staff may choose to be supported by a colleague if they are not a member of a Trade Union.

5.2 Human Resources

The Human Resources function will support line managers to deliver this policy, providing guidance and advice where necessary and updating payroll and records held on the HR system. HR should attend any Stage 3 Formal Review Meetings and may join other meetings to provide advice and guidance.

5.3 Staff

Staff are required to support their attendance at work by:

- Following the procedures set out in this policy
- Adhering to the stated timescales when responding to or appealing the Trusts requests or decisions
- Providing the information required by this policy

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- Taking action to maintain their own wellbeing and enable them to return to work following illness

6 Procedure for reporting sickness absence

We encourage staff to keep an open dialogue with their line manager regarding their health to help us:

- Identify absence problems early on
- Support staff wherever possible, including with rehabilitation and return to work
- Rearrange work to ensure that the education of children is not disrupted

Becoming Ill or Sustaining Injury While at Work:

If a staff member is taken ill or injured while at work, they should report or be taken to their line manager to be given permission to leave work, if appropriate. Line managers should arrange for anyone who is unwell to go home or to receive medical treatment if necessary. A half-day absence will usually be logged in cases where staff leave work part way through the day

Staff Unable to Attend Work due to Illness or Injury:

If a staff member is unable to attend work because of illness or injury, they should:

- Contact the school using the local procedures to advise that they will be off work
- Explain the nature of their illness or injury and advise when they are likely to return to work
- Advise on any immediate work-related matters that need attention (there is no to set work while off sick)
- Agree on how and when the next contact will be made

If the staff member is too unwell or otherwise unable to contact the office / school, they should:

- Arrange for a family member or other representative to make contact on their behalf and then make contact themselves as soon as they are able to do so
- Staff with existing reasonable adjustments should follow the adjusted process

Certification

For absences of more than 7 calendar days, staff members must obtain a “statement of fitness for work” (sometimes referred to as a sick note, Fit Note, Med 3 or doctor’s note) stating that they are not fit for work and the reason(s) why. This should be forwarded to their line manager as soon as possible. If the absence continues, the staff member must obtain further medical certificates to cover the whole period of their absence. It is the responsibility of the member of staff to maintain a certified absence.

If the statement or medical certificate says that the staff member “may be fit for work”, the individual should inform their line manager. We will discuss any potential measures needed to facilitate a return to work, taking into account the healthcare professional’s advice. If appropriate measures cannot be taken, the staff member will remain on sick leave and a review date will be agreed.

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6.1 Unauthorised absence

If a staff member does not report for work and we receive no contact from them (or where appropriate, someone on their behalf) their line manager will try to contact them as soon as possible to:

- Make sure they are safe
- Give them an opportunity to explain their absence

Staff should not treat this as a substitute for reporting sickness absence.

Where staff remain absent without leave and/or there are grounds to believe that they are acting dishonestly or failing to follow the correct absence procedures above, we may treat this as an unauthorised absence and the case will be handled through the Ebor Disciplinary policy and sick pay may be withheld until policy compliance is resumed.

6.2 Maintaining contact during sick leave

If staff are absent on sick leave, their line manager will contact to discuss:

- Their wellbeing and expected length of continued absence from work
- Any actions which could support a return to work
- Agree on mode and frequency of contact during absence

The purpose of such contact is to reassure the staff member, and line managers will keep it to a reasonable minimum. Where reasonable adjustments around contact are agreed and in place, these will be followed.

Staff absent on sick leave should feel free to contact their line manager during their absence.

7 Sick leave and pay

For pay entitlements during phased return to work, see section 8.2 below.

7.1 Statutory sick pay and occupational sick pay

Staff are entitled to statutory sick pay (SSP) and Occupational Sick Pay, where eligible. Sick Pay arrangements for Ebor staff are available at:

Support Staff: [Green Book](#)

Teachers: [Burgundy Book](#)

SSP guidance: <https://www.gov.uk/statutory-sick-pay>.

Full details of sick leave entitlement can be found in appendix 1 of this policy. If staff have legacy terms and conditions from a previous employer, these will prevail unless they have been superseded since transfer.

7.2 Pension contributions during sickness absence

Both the employer and the staff member will continue to contribute to the staff member's pension scheme during any SSP or occupational sick pay where the scheme's rules allow this. Please check individual pension provider guidance for details of staff pension arrangements.

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8 Returning to work

8.1 Return-to-work meeting

When a staff member returns to work after sickness absence, their line manager will arrange a return-to-work meeting to:

- Discuss the staff member's absence, making sure they've recovered and establishing whether there are any continuing underlying issues
- Talk about any support the staff member needs
- Allow the staff member to raise concerns
- Update the staff member on work matters
- Complete a return-to-work form (see appendix 2)
- If relevant, review their sickness absence record for the past year and make them aware if they have reached or are approaching an absence review point

8.2 Phased return to work

Medical professionals or the occupational health service may recommend that a staff member returning to work from sickness absence should:

- Work reduced hours
- Have lighter duties or different duties

This will be followed by an increase of working hours and/or duties over a period of 4 weeks. In exceptional circumstances, based on practitioner or occupational health advice, an extension may be possible.

After this we will consider recommendations by a medical practitioner on:

- The need to permanently change the staff member's duties or other work arrangements
- Their suitability for employment in their current capacity within the Trust

Phased return arrangements will be reviewed at least once to ensure that they remain effective. Where more frequent monitoring is required, this will be by agreement between the manager and staff member.

9 Disability-related absence

We have an obligation under the Equality Act 2010 to make reasonable adjustments for staff with a protected characteristic (such as disability, pregnancy and gender reassignment) where the reasonable adjustment would remove or reduce a disadvantage the member of staff faces. In discussion with the staff member, we will consider reasonable adjustments and support these where possible.

Staff who believe they have a disability or medical condition that affects their ability to do their work should inform their line manager, so that the Trust is able to consider appropriate reasonable adjustments and support. The Trust may seek advice from the Occupational Health provider to ensure that the most appropriate and reasonable adjustments are made. These will be reviewed for suitability as part of future absence review meetings.

Where staff need time off work to attend medical appointments related to their disability or medical condition that affects their work (e.g. treatment, rehabilitation and/or check-ups), the Trust will normally allow paid time off appointments agreed as a reasonable adjustment. Staff should speak to their line manager in advance about their needs so that adjustments can be made.

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10 Pregnancy-related absence

Pregnant staff members may need to take time off to attend medical appointments and/or due to pregnancy-related illness, and our Trust will support this. We will not count pregnancy-related sickness absence when reviewing staff's attendance record. The absence will be recorded.

11 Medical and dental appointments

Where possible, staff should book routine medical and dental appointments outside of working hours. If this is not possible (e.g. for hospital or specialist appointments) staff should:

- Where possible, book appointments for early in the morning, lunch time or end of the day so it causes minimal disruption to the working day
- Speak to their line manager, who will agree to time off if staff are able to provide proof of the appointment.
- Staff note that they will be granted paid time off if they need to attend cancer screening.

12 Elective surgery

If a staff member is undergoing elective surgery, they should discuss their need for time off and recovery with their line manager who may:

- Authorise it as sickness absence if the surgery is medically necessary. The staff member is expected to provide evidence to support this.
- Authorise the time off as sickness absence where not doing so may be in breach of the Equality Act 2010.
- Grant or refuse the absence as special leave. If the absence is granted, it is normally unpaid unless:
 - Staff arrange the surgery and recovery time to occur outside term time
 - It is possible for staff to use annual leave for the period of absence

HR should be consulted if line managers need advice to support their case-by-case decision making.

13 Fertility treatment and IVF

Staff are encouraged to reach out to their line manager to enable our Trust to support them where possible. These conversations will be strictly confidential. The Trust will always take a collaborative and supportive approach to balancing work with the needs of staff undergoing fertility treatment.

Appointments for fertility treatment and IVF will be treated as any other medical appointment (see section 11).

If a staff member becomes unfit for work because of fertility treatment, they should follow the normal procedures for reporting sickness (see section 6).

14 Work-related injuries or illness

Staff should report work-related injuries or illnesses to their line manager as soon as possible. They raise the matter with the Central Services Team who will ensure that the appropriate documentation is completed and the authorities are notified. Work related accidents, injuries or illness may be subject to sick leave excusal but will always be documented.

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15 Procedure for managing short-term sickness absence

Short-term sickness is classed as an absence which is less than 20 consecutive working days or absence which extends over a period of four weeks or less..

If staff reach one or more of the following absence review points, they will be referred to a Formal Attendance Review.

- 3 or more absence periods in a rolling 6-month period
- 5 or more absence periods in a rolling 12-month period
- A cumulative total of 15 working days absence in 2 or more occasions in a rolling 12-month period

If staff have a repeated pattern of absence or there are concerns over the reasons for absence, they will be referred to an Informal Review which may consider other People Policies. In exceptional cases, management discretion may be applied and informal review may not take place however this must be decided in consultation with the HR Business Partner.

15.1 Informal review

We will aim to give the staff member 10 days' written notice of the date, time and place of an informal review meeting. A formal review will normally take place by default when staff are on long term sickness absence.

At the meeting, the line manager and staff member will discuss:

- The staff member's pattern of absence to understand the reasons for it
- Any medical treatment, and whether medical advice is needed from the occupational health service
- Whether the illness is work-related and if any temporary changes to the staff member's work could help them improve attendance
- Whether the staff member has any underlying health problems (including a disability), how this will likely affect their attendance in the future, and whether any reasonable adjustments can be made
- How the staff member's absence is affecting pupils, colleagues and the school
- Any other ways the Trust can support the staff member

After the meeting, the line manager will summarise the main points in writing, which will be shared with the staff member.

If a staff member's absence levels continue to be of concern after the informal review meeting, their line manager will invite them to the first formal review meeting. The meeting will take place whether or not staff have returned to work

15.2 Formal review

There are 3 formal review meetings: the first formal review meeting, the second formal review meeting, and the final attendance review meeting. If the staff member's absence levels do not improve to an acceptable level after the final attendance review meeting, the Head Teacher or relevant Director will convene an ill-health capability hearing, with a panel, to fully review the case.

Each formal review meeting will usually take place 8 working weeks after the previous one, depending on circumstances. The line manager will inform the staff member of each meeting, in writing, 10 working days in advance.

Where the staff member's attendance improves to an acceptable level during the formal reviews process no further action will be taken. However, if the staff member's absence levels increase again within a year, the formal review procedure will be triggered again from where it left off.

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15.2.1 Formal Review Meeting Process

At all meetings Stage 1, 2 and 3, the staff member and line manager will discuss the following:

- The staff member's absence levels, the reasons for it, and whether further absences are likely going forward
- Any medical advice received
- Any work-related issues that may be affecting the staff member's attendance and whether any temporary changes to the job could help improve their attendance
- If the staff member has underlying health problems, any reasonable adjustments that could be made
- How the staff member's absence is affecting pupils, colleagues and the school
- Any other ways our Trust can support the staff member. This may involve an action plan that includes obtaining further medical advice, or outlining what adjustments or adaptations will be made for the staff member

15.2.2 Possible outcomes

At the end of each formal review meeting, the line manager may decide to:

- Agree the issue has been resolved and take no further action
- Continue to monitor and review the staff member's attendance

For the first formal review meeting only: issue a formal attendance warning, which will normally remain on record for 6 months.

The warning will:

- Explain the Trust's expectations on attendance going forward and what the review period for this will be
- Warn the staff member of the potential consequences of not meeting the required standards, including another formal attendance notification and the risk of dismissal

For the second formal review meeting only: issue a final attendance warning, which will reiterate the Trust's expectations on attendance going forward, the review period for this, and warn the staff member of the potential consequences of not meeting the required standards, including the risk of dismissal. The warning will remain on record for 6 months.

For the third, final attendance review meeting only: arrange a formal hearing for a panel to examine the case and to consider dismissal at an Ill Health Capability Review. See section 19.

After each review meeting, the line manager will summarise the outcome in writing, including the staff member's right to appeal (using the Ebor standard appeal process) if the line manager has issued a formal attendance warning or final attendance warning.

16 Use of medical reports and occupational health services

At any stage of an absence, the Trust may seek a work related medical opinion from its occupational health adviser and/or the individual's doctor to facilitate good decision making regarding the individual's absence. In these cases HR will liaise with the line manager and submit a referral to occupational health. Either the line manager or HR representative will liaise with the individual prior to a referral being made, so that they understand fully the reason for the referral.

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17 Individual Rights Under the Access to Medical Records Act 1988

The individual will be advised of their rights under the Access to Medical Records Act 1988. This section applies to staff who are referred to occupational health professionals or in cases where medical records or hospital / specialist notes are considered in any stage of this policy.

Three options are available, in summary, these are as follows:-

- **Option A** – The individual may withhold consent to a report being sought.
- **Option B** – The individual may consent to a report being sought and indicate that he/she does not wish to see it before it is supplied to our occupational health adviser.
- **Option C** – The individual may consent to a report being applied for and indicate that he/she wishes to see the report before it is supplied to our occupational health adviser.

18 Procedure for managing long-term sickness absence

Our Trust is committed to dealing fairly and sympathetically with staff members who are absent from work for long periods because of ill health.

We define long-term sickness absence as absence lasting for 20 working days (or 4 weeks) or more. At this point, we may refer the staff member to the occupational health service so that we can obtain medical advice and hold a formal attendance review.

Before beginning the process, the line manager should be satisfied that they have explored any reasonable adjustments to help the staff member improve attendance.

18.1 Informal review

We will aim to give the staff member 10 days' written notice of the date, time and place of an informal review meeting.

At the meeting, the line manager and staff member will discuss:

- The medical opinion, prognosis and expected timescale for the staff member to return to work
- What support the staff member needs to enable them to successfully return to work
- Whether the staff member has a disability under the Equality Act 2010 and whether any reasonable adjustments can be made
- What impact the staff member's absence has on the school's operations

18.1.1 Possible outcomes of informal review

The line manager will summarise the main points of the meeting in writing, including agreed actions (if any) such as:

- A return-to-work plan
- Whether to seek further medical advice

Where the staff member recovers and returns to work, the line manager will decide, in consultation with the staff member, whether to hold further review meetings.

If a staff member's absence continues, the line manager will invite the staff member to the first formal review meeting, usually 8 weeks after the informal review or earlier based on their circumstances See section 15.1.

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18.2 Formal review

If the staff member's absence levels do not improve to an acceptable level after the final formal review meeting, the Head Teacher or relevant Director will convene an ill-health capability hearing, with a panel, to fully review the case (see section 19).

Each formal review meeting will usually take place 8 weeks after the previous one, but may be longer, depending on circumstances. The line manager will inform the staff member of each meeting, in writing, 10 days in advance. The staff member has a right to be accompanied to any formal meeting under this procedure by a trade union representative or colleague.

Where the staff member recovers and returns to work during the formal reviews process, the line manager will decide, in consultation with the staff member, whether to hold further review meetings.

18.2.1 During formal review meeting(s)

We will follow the same process for formal review meetings as for the informal review meeting in section 18.1.

18.2.2 Possible outcomes of formal review

At the end of each formal review meeting, the line manager, in consultation with the occupational health service (if relevant) may decide to:

- Agree the issue has been resolved and take no further action
- Agree a return-to-work plan with the staff member
- Extend the period of monitoring and review
- Begin a phased return to work
- Seek further medical advice

For the first and/or second formal review meetings only: issue a formal attendance warning. This will warn the staff member that they may be dismissed on the grounds of ill health if it's unlikely they can return to work over a reasonable timescale (6 months from the formal review meeting unless there are exceptional circumstances which enable alternatives to be considered) See 15.2.2.

For the final formal review meeting only:

- Explore if the staff member is eligible for ill-health retirement
- Consider whether the staff member can do other suitable work in school
- Issue a final attendance warning on the grounds of ill health if the staff member cannot return to work at this point or within a reasonable timescale
- If medical professionals advise that the staff member is unlikely to return to work in a reasonable timeframe, usually 3 months, the line manager or headteacher will convene a formal review hearing, where the facts of the case will be examined (see section 19).

After each formal review meeting, the line manager will summarise the outcome in writing, including the staff member's right to appeal, within 5 working days if the line manager has issued a formal attendance notification or final attendance notification.

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19 Ill-health capability review hearing (for short and long-term absences)

The Head Teacher, Executive Head, Director of Education or relevant CST Director will convene a panel to fully review the case where (following Section 17 or 18) either:

- A staff member's short-term absences have not improved sufficiently
- The long-term absence of a staff member continues due to the nature of the illness

The headteacher will inform the staff member of the meeting, in writing, 10 working days in advance, advising:

- The staff member has the right to be accompanied by a colleague or trade union representative
- If the staff member is not well enough to attend, they can send a Trade Union Representative or colleague instead and/or submit a written statement
- A possible outcome of the meeting could be dismissal

19.1 Convening the panel

The panel will usually consist of a combination of:

- Head Teacher, Executive Head, Director of Education or relevant CST Director (Chair)
- A second senior leader who has not been involved in managing the case (impartial)
- The HR Business Partner to provide advice to the panel
- Any other staff, volunteers, Governor(s), Trustees or experts required to advise the panel.
- During the meeting, the headteacher and panel will review:
- The record and pattern of absence, and how likely it is to improve
- What support the staff member has received and whether all appropriate options have been properly explored
- Whether the staff member has an underlying illness, disability, or any other issues raised by the occupational health service
- The impact of the absence on colleagues, pupils and the school
- The staff member's approach to recognising and addressing the impact of their absence
- The needs of the school and best interests of the staff member
- Any reasonable adjustments taken under Equality Act 2010

The staff member will also have the opportunity to present evidence and explain their level of absence and what actions they are taking to reduce it to an acceptable level.

19.2 Deciding on appropriate action

When the points in 19.1 have been considered, the meeting will be adjourned, and the panel will reflect on it before coming to a decision.

The panel may decide to:

- Keep the staff member's absence under review for a defined period of time
- Agree a return-to-work plan
- Agree a Career Break to enable recovery / recuperation
- Dismiss the staff member with notice
- Decide whether the employee can retire on the grounds of ill health (where appropriate)

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The chair of the panel will communicate the decision to the staff member in writing within 10 days. The decision will also inform the staff member that they can appeal if they are not satisfied with the outcome by using the Ebor standard appeal process.

20 Right to be accompanied to formal meetings

The staff member has a right to be accompanied to any formal meeting under this procedure by a trade union representative or colleague. Their details must be provided to the line manager conducting the meeting 10 days before any meeting.

We may at our discretion permit other companions (for example, a family member) where this will help overcome particular difficulties caused by a disability, or difficulty understanding English.

A companion may make representations, ask questions, and sum up the member of staff's position, but will not be allowed to answer questions on their behalf. The member of staff may confer privately with their companion at any time during a meeting.

21 Appeals

The standard Ebor appeal process can be used to appeal decisions made at any formal stage of the processes detailed in this policy. (See appendix 5).

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Appendix 1: Trust Sick Pay Arrangements

Non-teaching staff	
During 1 st year of service	1 months' full and, after completing 4 months' service, 2 months' half pay
During 2 nd year of service	2 months' full and 2 months' half pay
During 3 rd year of service	4 months' full and 4 months' half pay
During 4 th and 5 th year of service	5 months' full and 5 months' half pay
After 5 years of service	6 months' full and 6 months' half pay

Teaching staff <i>Except those who transferred from Hull City Council</i>	
During 1 st year of service	Full pay for 25 working days and, after completing four calendar months' service, half pay for 50 working days.
During 2 nd year of service	Full pay for 50 working days and half pay for 50 working days.
During 3 rd year of service	Full pay for 75 working days and half pay for 75 working days.
During 4 th and successive years' of service	Full pay for 100 working days and half pay for 100 working days.

Teaching staff who transferred from Hull City	
0-4 months service (includes GTP year)	Full pay for 30 working days, no half pay entitlement
5-12 months service (includes GTP year)	Full pay for 30 working days, and half pay for 66 working days
During 2 nd year of service	Full pay for 60 working days, and half pay for 99 working days
During 3 rd year of service	Full pay for 99 working days, and half pay for 99 working days
During 4 th , 5 th and 6 th years of service	Full pay for 125 working days, and half pay for 125 working days
During 7 th , 8 th , 9 th and 10 th years of service	Full pay for 140 working days, and half pay for 140 working days
After 10 years of service	Full pay for 155 working days, and half pay for 155 working days

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Appendix 2: return-to-work interview form

[CLICK THIS LINK TO DOWNLOAD THE RETURN-TO-WORK INTERVIEW RECORD](#)

Appendix 3: return-to-work action plan

[CLICK THIS LINK TO DOWNLOAD THE RETURN-TO-WORK ACTION PLAN](#)

Appendix 4: timetable for phased return to work

[CLICK THIS LINK TO DOWNLOAD THE PHASED RETURN TO WORK TIMETABLE](#)

Appendix 5: Ebor Standard Appeal Process

[CLICK THIS LINK TO DOWNLOAD THE EBOR STANDARD APPEAL PROCESS](#)

Schools which are part of the HR automation trial should use the Google forms in place of those above

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Notes: