



Absence Management Policy

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Adopted by (body): Chair of Staffing & Remuneration Committee

WELLBEING POLICY
DEVELOPMENT
STRATEGY HUMAN PEOPLE
RESOURCES
CHANGE MANAGEMENT
SUCCESSION PLANNING
CONFIDENTIALITY

Collaborate Ability to work effectively as a team

Empower Ability to take initiative and problem solve in order to improve performance

Lead To lead by example and achieve shared goals

Transformation Ability to recognise a need for change and adapt accordingly



CELT Vision

Our vision is for our trust to be a learning organisation in the truest sense.

At the heart of our vision for education is a self-improving school-led system which has the best evidence-led practice and in which every child fulfils their potential. This is a learning community in which:

- Our leaders are driven by moral purpose. They are outwards focused and not afraid to take risks to achieve system transformation. The focus of policy is on continually improving the quality of teaching.
- Our teachers strive to be outstanding. They work across organisational boundaries to promote a collective sharing of knowledge, skills, expertise and experience in order to deepen pupil learning.
- The individual talents and strengths of our pupils are recognised and nurtured. A passion and curiosity for learning is sustained in every child from the moment they join us. A CELT pupil leaves our family of academies with a purpose, and the confidence to fulfil that purpose.
- Our parents are engaged in our learning community and actively work in partnership with us to raise the level of attainment and aspiration of every child.

CELT Mission

“Learning together to help every child achieve more.”

We believe there is no limit to what every child can achieve, and that every child deserves the chance to fulfil their potential.

As a learning community we are on an ambitious journey. We want to deliver a model for education in the 21st century which instils curiosity and a love for learning in every child so that they develop into young adults who contribute to humanity, follow their passions, and think for themselves.

By learning and improving together – as part of a global learning community – we create much richer and more sustainable opportunities for rigorous transformation than can be provided by any one of our academies alone.

COLLABORATE
EMPOWER
LEAD
TRANSFORM

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Introduction

- 1.1 This policy sets out our procedures for reporting sickness absence and for the management of sickness absence in a fair and consistent way.
- 1.2 Sickness absence can vary from short intermittent periods of ill-health to a continuous period of long-term absence and have a number of different causes (for example, injuries, recurring conditions, or a serious illness requiring lengthy treatment).
- 1.3 We wish to ensure that the reasons for sickness absence are understood in each case and investigated where necessary. In addition, where needed and reasonably practicable, measures will be taken to assist those who have been absent by reason of sickness to return to work.
- 1.4 This policy does not form part of any employee's contract of employment and it may be amended at any time following consultation with recognised trade unions. We may also vary the procedures set out in this policy, including any time limits, as appropriate in any case.
- 1.5 As part of the application of this policy, CELT will collect, process and store personal data and special categories of data in accordance with our data protection policy. We will comply with the requirements of the Data Protection Legislation (being (i) the General Data Protection Regulation ((EU) 2016/679) (unless and until the GDPR is no longer directly applicable in the UK) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998, including the Data Protection Act 2018), in relation to how we collect, hold and share special category personal data. Records will be kept in accordance with our Workforce Privacy Notice, our Retention and Destruction Guidance and in line with the requirements of Data Protection Legislation.

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Scope and purpose

- 2.1 This policy covers all employees at all levels and grades regardless of status including those who are in their probationary period.
- 2.2 The purpose of the policy is to ensure that staff understand the expectations of CELT in terms of attendance at work. In applying this policy, we aim to ensure that attendance is managed appropriately and consistently and that employees receive relevant support.

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Definitions

- 3.1 Short-term sickness absence - any absence that lasts between half and 20 days (four working weeks).

- 3.2 Long term sickness absence - any absence that lasts for a continuous period of longer than four working weeks.

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Disabilities

- 4.1 Sickness absence may result from a disability. At each stage of the sickness absence meetings procedure, particular consideration will be given to whether there are reasonable adjustments that could be made to the requirements of a job or other aspects of working arrangements that will provide support at work and/or assist a return to work.
- 4.2 Access to Work is a government agency that can provide additional support, over and above reasonable adjustments, to assist disabled employees to stay in work and their employers & managers to help them. They can provide advice, training, and grants. Where appropriate employees should be encouraged to make applications to Access to Work.
- 4.3 If you become aware that you are affected by a disability (a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities) or you have been diagnosed with a specific illness which is automatically deemed a disability under the Equalities Act (e.g. Cancer, HIV, multiple sclerosis) you should inform your headteacher or line manager.
- 4.4 Section 20 of the Equality Act 2010 identifies the provision of leave as a reasonable adjustment where a disabled person needs to be absent from work for "rehabilitation, assessment or treatment" for a fixed period(s) of time known in advance. This will be classed as disability leave and will not count towards absence triggers.
- Disability leave may include:
- Assessment for conditions;
 - Training a guide dog or in the use of specialist equipment;
 - Medical appointments or specialist check-ups;
 - Reviewing treatment or equipment;
 - To allow time for adaptations or adjustments to be made.
- 4.5 Disability leave can only be used for absences that occur as a direct result of an employee's disability or caring for a dependant (as a primary carer) who has a disability. This therefore, means that not all absences will be automatically classed as 'disability leave'. For example, if an employee has a disability and is off work for another reason such as cold or flu, this will be classed as ordinary sick leave rather than disability leave.
- 4.6 Disability leave will be paid in accordance to sickness entitlement, and an employee's disability leave record will not be used for the purposes of assessing their performance, promotion, selection for redundancy etc.

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Sickness absence reporting procedure

- 5.1 All employees are required to follow the reporting procedure set out below.
- 5.2 If you are taken ill or injured while at work, you should report this to your headteacher or line manager. Managers/headteachers should make arrangements for anyone who is unwell to be accompanied home and/or receive medical treatment where necessary.
- 5.3 If you cannot attend work because you are ill or injured, you should, wherever possible telephone your headteacher, or line manager, or agreed contact in your school, as early as possible and no later than 7.30am. A friend or family member may inform the school on your behalf if you are seriously incapacitated. The following details should be provided:
 - 5.3.1 The nature of your illness or injury.
 - 5.3.2 The expected length of your absence from work.
 - 5.3.3 Contact details.
- 5.4 Any outstanding or urgent work that requires attention, including information in relation to student work that needs covering by others during your absence. Absent individuals are not expected to provide cover work.
- 5.5 Contacting by text message or email is not acceptable.
- 5.6 Managers should ensure that:
 - 5.6.1 Any sickness absence that is notified to them is recorded (your school administrator can assist you with this)
 - 5.6.2 Arrangements are made, where necessary, to cover work and to inform colleagues (while maintaining confidentiality).
- 5.7 You should expect to be contacted during your absence by your headteacher or line manager who will want to enquire after your health and be advised, if possible, as to your expected return date. Any contact will be reasonable in the circumstances and where possible pre-agreed.
- 5.8 For support staff who are employed for 52 weeks of the year only. If you are ill or injured during a period of pre-arranged annual leave you may elect to treat the days of incapacity as sickness absence instead of annual leave. You must inform your line manager of your incapacity and its likely duration as soon as possible even if you are abroad. The usual requirements for self-certification and medical certificates in this policy will apply.
- 5.9 To be able to claim sick pay you must notify your line manager of your incapacity immediately, and the usual requirements for medical evidence in this policy will also apply, even if you are abroad.
- 5.10 If you are on sick leave you may choose to cancel any pre-arranged annual leave that would otherwise coincide with your sick leave. You should notify your line manager as soon as possible that you wish to do this.

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Evidence of incapacity

- 6.1 For sickness absence of up to seven calendar days you must complete a self-certification form which is available from your school office.
- 6.2 For absence of more than a week you must obtain a certificate from your Healthcare professional (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 headteacher or line manager as soon as possible. If your absence continues, further medical certificates must be provided to cover the whole period of absence.
- 6.3 If your healthcare professional provides a certificate stating that you 'may be fit for work' you should inform your headteacher or line manager immediately. We will discuss with you any additional measures that may be needed to facilitate your return to work, taking account of your Healthcare Professional's advice. This may take place at a return to work interview (see paragraph 11). If appropriate measures cannot be taken, you will remain on sick leave and we will set a date to review the situation.
- 6.4 Where short term absence triggers have been met and we are significantly concerned about the reason for absence, or 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 or CELT invoiced directly.
- 6.5 Where an employee is absent immediately prior to a CELT closure period, they will continue to be deemed as being absent for the purposes of recording sickness and statutory and/or contractual sick pay during the CELT closure period, unless they provide a fit note indicating they are fit to return to work. The cost of fit note will be covered by CELT if applicable.
- 6.6 If you are undergoing an elective or cosmetic surgery or procedure for which you will be absent from work, then any entitlement to CELT sick pay (as set out in paragraph 8) will be subject to receipt of satisfactory medical evidence. This medical evidence will need to be in the form of a report from your doctor or a specialist confirming that you are undergoing the procedure on medical advice. You may be required to take annual leave for any absence related to a purely elective procedure.
- 6.7 Where absence appears to be as a result of an infectious disease the Trust reserves the right to obtain medical evidence to ascertain whether the infection was directly attributable to the workplace.

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Unauthorised absence

- 7.1 Cases of unauthorised absence will be dealt with under our Disciplinary Procedure.
- 7.2 Absence that has not been notified according to the sickness absence reporting procedure will be treated as unauthorised absence.
- 7.3 If you do not report for work and have not telephoned your headteacher or line manager to explain the reason for your absence, your headteacher or 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.

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Sick pay

- 8.1 You should refer to your contract for details of the sick pay to which you are entitled.
- 8.2 If a period of sickness absence is, or appears to be, occasioned by actionable negligence, nuisance or breach of any statutory duty on the part of a third party, in respect of which damages are or may be recoverable, you must immediately notify your headteacher or line manager of that fact and of any claim, compromise, settlement or judgement made or awarded in connection with it and all relevant particulars that we may reasonably require. If we require you to do so, you must cooperate in any related legal proceedings and refund to us that part of any damages or compensation you recover that relates to lost earnings for the period of sickness absence as we may reasonably determine, less any costs you incurred in connection with the recovery of such damages or compensation, provided that the amount to be refunded to us shall not exceed the total amount we paid to you in respect of the period of sickness absence.
- 8.3 Failure to properly report your absence or to provide medical or self-certification could lead to your pay being suspended.

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Keeping in contact during sickness absence

- 9.1 If you are absent on sick leave you should expect to be contacted from time to time by your headteacher or line manager in order to discuss your wellbeing, expected length of continued absence from work, any of your work that requires attention and any supportive assistance that may be offered. Such contact is intended to provide reassurance and will be kept to a reasonable minimum
- 9.2 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 headteacher or line manager at any time.
- 9.3 We offer access to confidential counselling, which is available on request. The details to access this service can be obtained from the Central Team, HR or the Staff area of the CELT website.
- 9.4 Medical examinations
 - 9.4.1 We may, at any time in operating this policy, ask you to attend a medical examination by our occupational health provider and/or a doctor nominated by us at our expense.
 - 9.4.2 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.
 - 9.4.3 Failure to agree to a reasonable request may result in decisions being made in the absence of any medical information. In some circumstances disciplinary action may be taken where you do not cooperate with the sickness absence process.
 - 9.4.4 In the event of a difference of opinion between an employee's Health Professional and CELT's occupational health advisors, regarding an employee's fitness for work, functional capacity or the existence of an underlying medical condition contributing towards persistent absences, the OH advisor's advice will normally take precedence. In some cases, an independent medical advisor may be asked to give a second opinion.
 - 9.4.5 This process is in line with our Workforce Privacy Notice which sets out how we will gather, process and hold special category personal data of individuals during employment.

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Reasonable Adjustments

- 10.1 When the line manager becomes aware that the employee has a disability, they are obliged to exercise their duty of care under the Equality Act 2010 and investigate what reasonable adjustments can be made. Depending on the condition and circumstances, these may include but are not limited to:
- 10.1.1 Allowing a disabled employee to take a period of disability leave;
 - 10.1.2 Allowing time off for medical appointments;
 - 10.1.3 Keeping a record of the absence which is separate from sickness absence;
 - 10.1.4 A car parking space close to the entrance of the workplace;
 - 10.1.5 An adapted keyboard/mouse or voice recognition software;
 - 10.1.6 Changes to the layout of the workplace to make it more accessible;
 - 10.1.7 More rest breaks;
 - 10.1.8 Altered hours/place or work or more home working.

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Return-to-work interviews

- 11.1 Informal conversations will take place after every absence however if you have been absent on sick leave for more than 10 days, or there are concerns about the levels of absence, we will arrange for you to have a return-to-work interview with your headteacher or line manager. All employees, regardless of how long they have been absent for will be asked to attend a wellbeing return to work meeting with their headteacher or line manager.
- 11.2 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.
- 11.3 Where your doctor has provided a certificate stating that you 'may be fit for work' we will usually 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.

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Returning to work from long-term sickness

- 12.1 We are committed to helping employees return to work from long-term sickness absence. As part of our sickness absence meetings procedure (see section 13), we will, where appropriate and possible, support returns to work by:
- 12.1.1 Obtaining medical advice;
 - 12.1.2 Making reasonable adjustments to the workplace, working practices and working hours, including a time-limited phased return to work.
 - 12.1.3 A phased return to work will often be a recommendation of an occupational health advisor or the employees' Healthcare Professional.
 - 12.1.4 Considering redeployment; and/or
 - 12.1.5 Agreeing a return to work programme with everyone affected.

Employees will receive their full pay on the phased return. Phased returns to work should normally be for a maximum of 4 weeks. In the event an employee requests, or an Occupational Health Advisor or the Employees Healthcare Professional advises, that the phased return is extended beyond 4 weeks, a conversation should be held in relation to whether this can be accommodated and depending on the length of time it may be required a further a dialogue should be held with the employee with regard to a temporary contractual change being made to their working hours to accommodate the request and their pay adjusted accordingly, which would be a reasonable adjustment.

- 12.2 If you are unable to return to work in the longer term, we will consider whether you are entitled to any benefits under your contract and/or any insurance schemes we operate.

Sickness absence meetings procedure

- 13.1 We may apply this procedure whenever we consider it necessary, including, for example, if you:
- 13.1.1 Have been absent due to illness on a number of occasions in line with the following triggers for action (6 periods of absence in a 12-month rolling period or an accumulation of 10 days or more in a 12-month rolling period). Consideration will be given to adjusting triggers for employees with a disability. Pregnancy related absences should be discounted when calculating triggers;
 - 13.1.2 Have discussed matters at a return to work interview that require investigation; and/or
 - 13.1.3 Have been absent for more than 6 periods of absence in a 12-month rolling period or an accumulation of 10 days or more in a 12-month rolling period
- 13.2 We will give you five days written notice of the date, time and place of a sickness absence meeting. We will put any concerns about your sickness absence and the basis for those concerns in writing or otherwise advise why the meeting is being called. A reasonable opportunity for you to consider this information before a meeting will be provided.
- 13.3 The meeting will be conducted by your headteacher or line manager and may be attended by a member of HR or the central leadership team. You may bring a companion with you to the meeting (see paragraph 13).
- 13.4 You must take all reasonable steps to attend a 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 headteacher or line manager who will seek to agree an alternative time.
- 13.5 A meeting may be adjourned if your headteacher or line manager is awaiting receipt of information, needs to gather any further information or consider matters discussed at a previous meeting. You will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.
- 13.6 Confirmation of any decision made at a meeting, the reasons for it, and of the right of appeal will be given to you in writing within five days of a sickness absence meeting (unless this time scale is not practicable, in which case it will be provided as soon as is practicable).

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- 13.7 Formal warnings issued for sickness will remain live for a period of 12 months from the date of issue, during which time further absences beyond the review period would be dealt with either at the next stage of the procedure or by an extension of the current live warning. If further absences occur shortly after the end of the 12-month period (or any extended warning), we reserve the right to deal with the matter at the same stage of the procedure and not return to earlier stage.
- 13.8 If, at any time, your headteacher or line manager considers that you have taken or are taking sickness absence when you are not unwell, they may refer matters to be dealt with under our Disciplinary Procedure.

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- 14.1 You may bring a companion to any meeting or appeal meeting under this procedure.
- 14.2 Your companion may be either a trade union representative or a work colleague. You should provide their details to your line manager OR senior leader conducting the meeting, in good time before it takes place.
- 14.3 Employees are allowed reasonable time off from duties without loss of pay to act as a companion. However, they are not obliged to act as a companion and may decline a request if they so wish.
- 14.4 We may at our discretion permit other companions (for example family members) where this will help overcome particular difficulties caused by a disability or difficulty understanding English.
- 14.5 Some companions may not be allowed: for example, anyone who may have a conflict of interest, or whose presence may prejudice a meeting.
- 14.6 A 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.

Stage 1: first sickness absence meeting

- 15.1 This will follow the procedure set out in paragraph 12 on the arrangements for and right to be accompanied at sickness absence meetings.
- 15.2 The purposes of a first sickness absence meeting may include:
- 15.2.1 Discussing the reasons for absence.
 - 15.2.2 Where you are on long-term sickness absence, determining how long the absence is likely to last.
 - 15.2.3 Where you have been absent on a number of occasions, determining the likelihood of further absences.
 - 15.2.4 Considering whether medical advice is required or, if already obtained, what that advice is.
 - 15.2.5 Considering what, if any, measures might improve your health and/or attendance.
 - 15.2.6 Determining a way forward, action that will be taken and a time-scale for review, and/or a further meeting under the sickness absence procedure.
 - 15.2.7 Issuing a written warning that your employment may be at risk if your attendance does not improve.

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Stage 2: further sickness absence meeting(s)

- 16.1 Depending on the matters discussed at the first stage of the sickness absence procedure, a further meeting or meetings may be necessary. Arrangements for meetings under the second stage of the sickness absence procedure will follow the procedure set out in paragraphs 12 on the arrangements for and right to be accompanied at sickness absence meetings.
- 16.2 The purposes of further meeting(s) may include:
- 16.2.1 Discussing the reasons for and impact of your ongoing absence(s).
 - 16.2.2 Where you are on long-term sickness absence, discussing how long your absence is likely to last.
 - 16.2.3 Where you have been absent on a number of occasions, discussing the likelihood of further absences.
 - 16.2.4 If it has not been obtained, considering whether medical advice is required. If it has been obtained, considering the advice that has been given and whether further advice is required.
 - 16.2.5 Considering your ability to return to/remain in your job in view both of your capabilities and the needs of CELT and any adjustments that can reasonably be made to your job to enable you to do so.
 - 16.2.6 Considering possible redeployment opportunities and whether any adjustments can reasonably be made to assist in redeploying you.
 - 16.2.7 Where you are able to return from long-term sick leave, whether to your job or a redeployed job, agreeing a phased return to work programme.
 - 16.2.8 If it is considered that you are unlikely to be able to return to work from long-term absence, whether there are any benefits for which you should be considered.
 - 16.2.9 Determining a way forward, action that will be taken and a time-scale for review and/or a further meeting(s). This may, depending on steps we have already taken, include warning you that you are at risk of dismissal.
 - 16.2.10 Issuing a final written warning that your employment may be at risk if your attendance does not improve.

Stage 3: final sickness absence meeting

- 17.1 Where you have been warned that you are at risk of dismissal and the improvement has not been made, we may invite you to a meeting under the third stage of the sickness absence procedure. Arrangements for this meeting will follow the procedure set out in paragraphs 12 on the arrangements for and right to be accompanied at sickness absence meetings.
- 17.2 This meeting will usually be Chaired by the Line Manager but at the Employee's request can be heard by a panel.
- 17.3 The purposes of the meeting will be:
- 17.3.1 To review the meetings that have taken place, the matters discussed and warnings issued.
 - 17.3.2 Where you remain on long-term sickness absence, to consider whether there have been any changes since the last meeting under stage two of the procedure, either as regards your possible return to work or opportunities for return or redeployment.
 - 17.3.3 To consider any further matters that you wish to raise.
 - 17.3.4 To consider whether there is a reasonable likelihood of you returning to work or achieving the desired level of attendance in a reasonable time.
 - 17.3.5 To consider if ill health retirement is a possibility where medical advice is clear it is unlikely that an employee will be fit to return to their role in the near future.
 - 17.3.6 To consider the possible termination of your employment.
 - 17.3.7 Termination will normally be with full notice or payment in lieu of notice.
- 17.4 Possible outcomes of this meeting are:
- 17.4.1 The Panel agrees to take further supportive action, within an agreed timescale, to try and address the problem. This is only applicable where there is a clear belief that further action is likely to lead to an improvement even where it has not done so previously;
 - 17.4.2 The Panel offers the employee a change to his/her contract of employment for example redeployment, permanent changes to working hours, job role or job grade. The employee would need to agree to this change in contract and it would be offered on the basis that attendance will improve;
 - 17.4.3 The employee's employment is terminated with full notice or payment in lieu of notice.
- 17.5 Notification and a summary of the outcome of the meeting, including evidence presented with an explanation of the employee's right of appeal will normally be sent to the employee within five working days' of the meeting.

- 18.1 The employee has the right to appeal against the decision taken against them. This must be in writing, stating the full grounds of appeal and sent to the Headteacher/Manager within 10 working days of the date on which the employee was informed of the decision.
- 18.2 If the employee is appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if the appeal is successful they will be reinstated with no loss of continuity or pay and benefits.
- 18.3 If any new matters are raised in the appeal hearing further investigation may need to be carried out. The Chair may adjourn the appeal hearing if there is a need to carry out any further investigations such as re-interviewing witnesses in the light of any new points that have been raised at the hearing. If any new information comes to light this will be provided to the employee with a summary including, where appropriate, copies of additional relevant documents and witness statements. The employee will have a reasonable opportunity to consider this information before the hearing is reconvened.
- 18.4 The employee must be given written notice of the date, time and place of the appeal hearing. This will normally be arranged within 10 working days. The employee has the right to bring a companion to the appeal hearing (see paragraph 9).
- 18.5 Where possible, the appeal hearing will be conducted by a panel of a minimum of two and a maximum of three, consisting of a Senior Manager and/or LGB/ Trustees not previously involved in the case. The hearing may be a complete re-hearing (which would follow the format for hearings at Appendix 2) or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light (in which case the format would be reversed so that the appellant would present their appeal first). The format of the meeting would be at the employees request. In any event the appeal will be dealt with as impartially as possible.
- 18.5.1 Following the appeal hearing the Headteacher/Manager/panel may:
- 18.5.2 confirm the original decision;
- 18.5.3 revoke the original decision; or
- 18.5.4 substitute a different penalty. Ordinarily a penalty will not be increased on appeal unless there is new information or evidence being available that requires further investigation.
- 18.6 The employee will be informed in writing of the decision and the reasons for it, usually within 5 working days of the appeal hearing. Where possible this information will also be explained to the employee in person. There is no further right to appeal.

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Review of policy

This policy is reviewed and amended annually by the Trust in consultation with the recognised trade unions. We will monitor the application and outcomes of this policy to ensure it is working effectively. Consideration of the equality impact of this policy will be given to ensure that no groups or individuals with protected characteristics are unintentionally disadvantaged by the policy or practice.

Appendix History of Changes

Version	Date	Page	Change	Origin of Change
1.0	30.11.2022		Original Draft	