

drb Ignite Multi Academy Trust

STAFF ABSENCE POLICY AND PROCEDURES

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APPENDIX A: STAFF ATTENDANCE PROCEDURES

1. CONTEXT

All employees are contracted to work for the Trust but deployed to various schools and teams within it. Most employees are school-based, led by a Headteacher. A small team are employed directly within the central executive based in the Trust offices. There are occasionally a small number of staff who are employed by agencies on a temporary basis. These are not subject to the formal Trust procedures if attendance is a concern; however, on a day-to-day basis they are expected to meet Trust policy expectations in terms of, for example, reporting their sickness to their appropriate line manager.

Introduction

This Policy applies to all employees of the Trust – leaders, teachers and support staff. It relates to sickness absence only. Our staff are our most important and most expensive resource, so any absence has an impact on both individual schools and the Trust, educationally and financially. Regular and punctual attendance is an implied term of every employee's contract. There is a shared responsibility between the Trust, its schools and all employees for maintaining everyone's excellent attendance and associated health and well-being.

2. STAFF ABSENCE PROCEDURE

2.1 Absence Indicators

- a) Absence indicators can help manage attendance by:
 - alerting the school or the Trust and the employee to the frequency and regularity of sickness absence
 - encouraging early dialogue with the employee in order to establish expectations and improve attendance
 - helping the school or the Trust to identify possible trends so that preventative measures can be put in place
 - assisting the school and the Trust in identifying the financial and educational impact of staff sickness absence

- b) Whilst each case of sickness should be considered individually and may not result in formal action, the following absence indicators should prompt a review of the absence(s) and an informal discussion with the employee. Depending on the circumstances, it may also be appropriate to have an informal discussion and to offer support to an employee before the absence indicators below have been reached.

The key absence concern indicators for the Trust are:

- Two or more separate episodes of sickness absence (one working day or more) within a term
- A continuous absence due to sickness lasting 4 continuous weeks or more
- Any other sickness absence trend which is giving cause for concern; for example, on certain days of the week or points in the year

2.2 Where the sickness absence procedure is not used

The staff absence procedure is not used to deal with:

- alleged unauthorised or fraudulent absence, which is treated as an issue of conduct and dealt with under the Trust's Disciplinary Policy and Staff Code of Conduct
- absence unrelated to sickness, such as special leave of absence (including medical appointments), which is managed under the Trust's Leave of Absence Policy

2.3 Key roles and responsibilities

The term *other senior line managers* is used throughout the Policy. It refers to people in the Trust, in addition to headteachers, who have responsibility for the oversight of employee attendance. Generally, these leaders also have direct or indirect appraisal responsibilities, thus linking attendance with performance.

In Trust schools:

- the headteacher is responsible for the attendance of all staff in the school but may delegate aspects of attendance management to other senior leaders as appropriate; for example, informal discussions, contact with absent employees or return to work meetings.
- where concerns are raised about an employee's sickness absence, the headteacher decides which other senior leaders will take part in any more formal procedures, so that there is a careful separation of responsibilities and duties.
- the Headteacher ensures that any other leader, taking part in the informal or formal processes, has the skills to undertake the role.
- the Trust, through the central Executive Team, supports the Attendance Policy and procedure in terms of providing HR advice and guidance.

The Central Executive Team:

- the CEO has overall responsibility for the attendance of employees within the Central Executive Team
- The Director of Operations supports the procedure if the absence concern is taken to the level of a Hearing Committee.
- The CEO may delegate any aspect of attendance management to the Trust's HR support team.

The Trust Board:

- The Board, through the Chair has oversight of the CEO's attendance.

- The Trust Board use the Trust Improvement Board (TIB) to monitor and oversee staff absence rates across Trust schools

3. AIMS, OBJECTIVES AND PRINCIPLES OF THE POLICY

3.1 Overall aims

- To maximise employee attendance
- To manage employee sickness absence effectively, fairly and consistently
- To promote good employee physical and mental health and well-being

3.2 Objectives

- To encourage all employees to attend work regularly
- To assist headteachers and other senior line managers to reduce levels of employee sickness absence in a fair and consistent way
- To balance the need for high quality education services for pupils with the interests and rights of individual employees
- To assist employees in recognising the significant financial and educational impact of absence
- To monitor the financial and educational impact of employee absence across Trust schools
- To provide a framework for addressing employee sickness absence, recognising that individual circumstances may require a bespoke response

3.3 Principles

The Trust:

- is committed to the health, safety and welfare of all employees and will fulfil its obligations under all statutory legislation
- undertakes to treat each employee's case on an individual basis within this overall Policy framework
- provides headteachers and other senior line managers with HR information, support and guidance
- guides headteachers, other senior line managers and employees in terms of appropriate risk assessments to minimise workplace injuries which could be linked to absence

Each employee:

- has a duty to attend work regularly and punctually
- must demonstrate a commitment to good attendance
- must take reasonable steps to protect her/his own welfare
- is expected to assist in the promotion of a healthy workplace
- is encouraged to involve her/his union representative when concerns are raised about her/his attendance

Headteachers and other senior line managers:

- have responsibility for supporting the attendance of employees
- may delegate aspects of employee attendance management to other appropriate managers
- use good judgement in order to address an attendance matter with sensitivity and fairness
- have due regard for the interest of both the school (or Trust) and the individual
- have a duty to monitor and report on employee attendance and absence

4. HEALTH AND SAFETY AT WORK

The Trust recognises its duty as employer under the Health and Safety at Work Act 1974 and its associated regulations to protect the health, safety and welfare of its employees, as far as is reasonably practicable and others involved in its activities.

The Trust ensures appropriate arrangements are in place to ensure that health and safety requirements are met and that headteachers and other senior line managers implement the policy fairly and with the involvement of employees as far as possible, in order to reduce any sickness absence linked to health, safety and well-being.

Accidents, injuries and assaults

If an employee considers their illness and/or sickness absence to have been caused by an accident, injury or assault at school or Trust, s/he must explain that when reporting the absence to the headteacher or other senior line manager. The usual reporting arrangements for sickness absence continue to apply and must be adhered to. Additionally, the headteacher or other senior line manager must take immediate action to meet health and safety requirements including reporting and recording the accident or assault by completing an accident form and, if necessary, consulting the central team and occupational health. Necessary and proportionate actions must be taken to prevent or mitigate similar accidents in the future. There are special provisions in national and local sick pay schemes in relation to accident and injury allowances which include special arrangements for medical advice for teachers and support staff.

5. EQUALITIES

The Equality Act 2010 protects employees from unfavourable treatment relating to a number of protected characteristics including age, disability, race, sex, sexual orientation, pregnancy and maternity, gender reassignment, marriage and civil partnership status. The provisions of the Act are taken into full account when managing sickness absence.

5.1 Disability-related absence

An employee who is absent for an extended period may be considered disabled for the purposes of the Equality Act and will be entitled to protection against discriminatory treatment including reasonable adjustments on the part of the school and Trust. If the recommended or requested adjustments are not considered by the school or the Trust to be reasonable, this will be discussed with the employee and an explanation provided. If adjustments cannot be accommodated, alternatives may include other deployment and/or an agreed temporary or permanent reduction in hours. Ultimately a disabled employee can be dismissed due to ill-

health capability/unsatisfactory attendance, although the school or Trust must demonstrate that the dismissal is necessary to meet its needs and that reasonable adjustments have been considered and, where possible, implemented. The Trust is not automatically obliged to disregard all disability-related sickness absences in terms of its monitoring and management, providing this can be objectively justified. However, depending on the circumstances, it may be a reasonable adjustment to disregard some disability-related absence. For example, an employee newly diagnosed who is learning how to manage a condition, may have short-term absences disregarded. It is in the interests of both the Trust and the employee, that there is careful recording and monitoring of the reasons for absence and their duration.

5.2 Pregnancy and maternity related absence

All pregnancy and maternity-related absence is disregarded when managing and monitoring absence under this procedure, up to and including dismissal. Pregnancy and/or maternity-related illness is separated from other types of illness and does not count towards an employee's overall attendance record. Sickness absence associated with a miscarriage is treated as pregnancy-related and disregarded for the purposes of the absence procedure. In these cases, the headteacher or other senior line manager meets with the employee to discuss reasons for her absence and her well-being as part of a return to work meeting, to carry out appropriate risk assessment and to enquire about whether reasonable adjustments are necessary.

6. MONITORING AND REPORTING ABSENCE

Headteachers and senior line managers monitor and address absence issues in a fair and consistent way. Absence trends and areas of concern are collated and reported to the CEO via termly Trust Improvement Board (TIB) reports. The CEO also highlights any broad concerns in reports to the Trust Board or its Committees.

6.1 Reporting absence procedures in Trust schools

The headteacher is responsible for establishing clear procedures for an employee to report her/his absence so that:

- the school can continue to run effectively for all pupils
- appropriate cover can be arranged
- an employee can meet the requirements of her/his sickness pay scheme
- absence data is accurate
- there is compliance with health and safety legislation (if absence relates to an accident in the workplace)

The absence procedure is the same for all employees at every level across the Trust. The expectation for an employee to report her/his sickness absence and to provide appropriate self-certification and/or medical certification is a requirement of national and local sick pay schemes. Consideration may need to be given to unforeseen personal circumstances which prevent an employee from complying with this requirement. The Trust takes a reasonable and considerate approach at all times.

6.2 The Procedure

- An employee working in a Trust school should report her/his absence to the headteacher or other senior leader to whom the responsibility has been delegated.
- An employee working elsewhere in the Trust (eg within the central Executive) should report her/his absence to their direct line manager or the CEO.
- A headteacher should report her/his absence to the Executive Director of School Improvement or the Trust Office Manager
- The CEO should report his absence to the Chair of the Board and Executive Directors.

The procedure should be made clear in the school staff handbook (or similar appropriate guidance) and should include:

- on the first day of absence - to whom it should be reported and by what time; the reason for the absence and its likely duration; the actual date the employee became unwell; clarification of call back arrangements
- the expectation that the employee reports personally although, in exceptional circumstances if the employee is not well enough to make contact, a close friend or relative may give the message; however, the appropriate information must be provided including the date that the employee became ill. This point is important because it can affect sick pay entitlement and statutory sick pay.
- the submission of a self-certificate for absences lasting between 4 and 7 calendar days and, at the latest, by day 7 of absence
- the requirements for repeating the notification which should normally be by day 4 of absence, unless the initial notification made is clear that the absence will be longer
- the expectation that a daily contact is maintained by the employee until a self-certificate or doctor's certificate is received
- the submission of a doctor's certificate (Fit Note) if the absence lasts beyond 7 calendar days
- the submission of consecutive doctors' certificates to cover all Bank Holidays, school closure periods, etc., including for part-time employees
- the requirement to ensure that certificates for absence are submitted in a timely way and no later than 3 days after the expiry of the previous note

The failure of an employee to notify their absence may be subject to disciplinary action for unauthorised absence.

The headteacher and/or other senior line manager ensures there is a suitable system for recording employee absence in the school and/or at central Executive level. All sickness information is treated with confidentiality and managed in accordance with legislation, such as data protection and GDPR.

Self-certificates and fit notes are considered to be personal records and, as such, the school and the Trust are responsible for managing the information in line with GDPR requirements. The headteacher or other senior line manager is considered to be the *data controller* for retaining records securely and in accordance with data protection legislation/GDPR. Non-digital absence or other personal records are kept in a secure lockable cabinet for confidentiality with access only by named personnel. If records are stored electronically, the same level of security is in place. The headteacher or senior line manager is also responsible for ensuring that the necessary information about an employee's sickness absence is kept

up-to-date in order to ensure that the employee receives the correct sick pay entitlement, in accordance with the relevant sick pay schemes.

6.3 Fit notes

A fit note is the Statement of Fitness for Work which has been issued by a General Practitioner (GP) and relates to the expectation that the illness and recovery will last more than 7 calendar days.

A copy of a fit note must be submitted by the employee if the illness lasts more than 7 calendar days and must cover sickness during holiday periods as well as during term time. The employee should retain the original for the purpose of claiming benefits or for other purposes.

The GP has two options on the fit notes - to recommend that:

- the employee is not fit for work or
- the employee may be fit for work subject to certain adjustments

These adjustments might include:

- a phased return to work
- altered hours
- amended duties
- workplace adaptations

The employee does not need to be signed back to work and there is no option on the fit note to do so. If the GP feels that the employee is fit for work, a fit note will not be issued. Additionally, the employee can come back to work before her/his fit note expires without returning to the GP beforehand.

If the fit note recommends that an employee is not fit for work, this is treated as evidence for contractual sick pay. The headteacher or other senior line manager ensures that the expiry date of the fit note is recorded and keeps in touch with the employee during the absence so that there is awareness of a likely return date.

If the fit note recommends that the employee may be fit to return to work subject to certain adjustments, the employee should contact the headteacher or other senior line manager to discuss the GP's recommendations before returning to work, The Trust will meet a request from the employee who wishes for a trade union representative or other workplace colleague to be present at these discussions. After these discussions and careful consideration by the headteacher or other senior line manager, a decision will be made as to whether the recommendations are feasible and reasonable for the school or the Trust to implement, having regard to the requirements of the Equality Act 2010. If the school or the Trust is unable to agree to the recommendations, it should treat the fit note as if it says the employee is not fit for work and s/he will remain on sick leave.

6.4 Contact with absent employees

There is a shared responsibility between management and employees to maintain reasonable contact during periods of sickness absence. If a sick employee fails to contact the school or the Trust during a period of sickness absence, it is reasonable for the headteacher or other senior line manager to initiate communication as part of her/his duty of care and in order to reduce any sense of isolation on the part of the employee. It will also provide the opportunity to:

- discuss the employee's welfare and offer appropriate support e.g. occupational health referral, risk assessments
- ascertain the likely date of return so that cover can be arranged
- agree the method and frequency of on-going contact
- provide key work updates as appropriate and necessary

Any contact arrangements must be sensitive to the employee's needs and circumstances. In the case of serious and/or terminal illnesses, it may be appropriate for contact to be made via a trade union, workplace colleague, relative or friend rather than direct contact from the headteacher or other senior line manager.

It is not assumed that an employee who is suffering from a serious or terminal illness or whose sickness is described by the GP as stress or depression, is incapable of discussing her/his condition with a manager or with occupational health. A referral to occupational health may be necessary if the employee and the GP are stating that s/he is unfit to attend a meeting.

In order to ensure consistency for all employees, the Chair of the Board also ensures that the Trust has the appropriate arrangements for reporting and managing the absence of the CEO, including maintaining reasonable contact.

6.5 Absence related to stress or mental health

It is part of the duty of care for employees by the Trust, headteachers and other senior line managers, that an endeavour to maintain reasonable contact with employees who are absent through stress or mental health issues should be made. If it becomes clear that an employee who is suffering from work-related stress, perceives a particular manager to be the cause of that stress, the Trust recommends that an alternative suitable manager be allocated to be the main point of contact during the period of sickness absence. This may reduce the risk of further stress to the employee. The Trust will meet the request from the employee if they wish the contact to be made through a trade union representative.

Under health and safety legislation, the headteacher or other senior line manager has a duty to assess the risk of stress-related ill-health arising from work activities and to take measures to control that risk through appropriate risk assessments. It is therefore crucial that the cause of the stress-related absence is clarified as work-related or personal. Other early intervention strategies may be advisable through dialogue with the employee, such as:

- referral to occupational health
- referral to counselling providers
- agreed temporary or permanent reduction in working hours

- additional support and/or training
- temporary or permanent reallocation of duties

6.6 Occupational health referrals

Referrals to occupational health are appropriate for a variety of reasons but their main purpose is to:

- provide the Trust and schools with expert medical advice about how the employee's health is impacting on their ability to perform their duties
- support relevant pension schemes with requests for ill-health retirement
- comply with the requirements of relevant sick pay schemes in cases of absence due to accidents at work

An occupational health referral can be made at any stage of the absence process. An early referral is recommended for musculoskeletal disorders and some mental health and stress issues because prolonged absence in these circumstances has been shown to reduce the potential of the employee successfully returning to the workplace.

The employee's consent to the referral should be obtained through the signing of an occupational health referral form. The headteacher or other senior line manager should stress to the employee the reasons for obtaining impartial advice from occupational health. If the employee refuses to attend, s/he is advised that any subsequent management action may be less beneficial to her/him, as any decisions taken will be limited to other medical advice or sources which may not relate to the employee's particular job or their potential fitness to return to work.

Under the conditions of service for teachers (Burgundy Book), a teacher who has prolonged or frequent absence levels due to sickness, is not entitled to be paid sick pay unless at the Trust's request, s/he attends an examination by an approved medical practitioner (such as an occupational health provider). Similarly, support staff (Green Book) are required to attend a medical examination with an approved practitioner at any time.

The usefulness of the report provided by occupational health will depend greatly on the factual information provided by the school or the Trust and the specific questions on which it seeks advice. The occupational health report will usually provide a description and advice on the underlying health issues; if and when the employee is likely to return to work; and whether any adjustments can be made to support that return. Advice and support from Trust HR or the Trust's solicitors are always sought if the termination of employment is a possibility.

The school or Trust covers the fees for the occupational health referral and report.

6.7 Return to work meetings

A return to work meeting is carried out after every period of absence, regardless of the duration. This includes absences related to pregnancy, maternity, disability, injury/accident at work or hospitalisation.

- When an employee is returning after a long period of absence or when other reasonable adjustments are under consideration (such as phased returns), the return to work meeting must take place before the return to work.
- For short periods of absence this amounts to a brief informal discussion on the employee's return.
- The headteacher or other senior line manager will lead the return to work meetings or delegate them to appropriate managers, so that there are clear differences identified between employees whose short-term absences are infrequent and frequent; those who have had a long-term absence; and those who have a combination of the two
- Where the sickness absence has been short but a pattern of regularity has been noted, the return to work meeting is led by the headteacher or senior line manager.
- If one of the absence indicators has been met at paragraph 2.1, the headteacher or senior line manager may combine the return to work meeting with an informal discussion about attendance.

The purpose of the return to work meeting is to:

- welcome the employee back and discuss their fitness to return to work
- clarify the reason(s) for the absence
- ensure that all relevant paperwork is complete (usually self-certificate or fit note)
- discuss any appropriate support or adjustments
- complete any appropriate risk assessment
- provide an update on work matters

Where the return to work meeting is combined with an informal discussion about attendance, there may be further points raised. For example:

- previous absences (including, for example, any concerns about patterns of attendance over the previous 6 months)
- interventions aimed at improving attendance and avoiding formal action
- an up-to-date record of the employee's sickness absence should be shared with him/her prior to the meeting

The Trust will meet a request from the employee who wishes to be accompanied by a trade union representative or workplace colleague.

All return to work meetings are held in a confidential manner. For short-term absence, the meetings and notes are brief. In the case of longer absences, frequent short-term absences or other patterns causing concern, a longer discussion takes place with more detailed notes. All notes are shared with the employee and a copy is placed in her/his personal file.

6.8 Working from home

Although there may be exceptional occasions when a headteacher or senior line manager grants permission to a member of staff to work from home, this is not the case when an employee is off sick - sickness implies not able to work. There may be extremely rare cases where this can apply but these must take account of medical advice and must be formally agreed by the Trust (CEO).

6.9 Phased return to work

A phased return to work on full pay may be appropriate, depending on the nature of the employee's illness and the length of absence. Such an arrangement should be considered and discussed with the employee before s/he returns to work and advice sought from occupational health where appropriate.

The Trust does not expect that every case will require a phased return. The rationale for the phased return must be clear.

If the employee returns to work having fully recovered after a long period of absence, it may be reasonable for either party to propose a short period of adjustment through a phased return to work, allowing the employee to gradually build up her/his hours of work, responsibilities and duties.

The Trust will normally agree to a phased return of no more than 5 working weeks, although some returns could be considerably less. In rare circumstances and on a case by case basis, taking into consideration any other advice, the Headteacher or senior line manager can agree to extend the period.

A GP may advise that an employee whilst not fully fit, may be fit for some duties. During the first 6 months of an employee's sickness absence, a GP can recommend in a fit note that the employee may be fit to work if certain adjustments are made before the employee returns to work, including a phased return of up to 3 months. This provision may help the employee to return to work sooner than might have been expected. Occupational health can also make recommendations about the type and duration of the phased return.

If the school or the Trust is not able to accommodate the proposals made by a GP or occupational health about a phased return to work, it may be necessary to treat the fit note as if it says that the employee is not fit for work (meaning that the employee stays on sick leave until they have fully recovered) or to agree a mutually agreed and convenient alternative such as a temporary reduction in hours.

A record of discussions with the employee about either type of phased return should be retained in the employee's personal file with a copy to the employee. The Trust will meet a request from the employee who wishes to be accompanied to the meeting by a trade union representative or workplace colleague.

The employee does not have an automatic right to a phased return and should not assume that a request will be granted. It is the Trust's decision on a case by case basis, guided by medical advice. All phased returns have financial or educational impact but the Trust also recognises that it is better for the employee to be at work rather than taking sickness absence.

6.10 Absence concern indicators

The key absence concern indicators for the Trust are:

- Two or more separate episodes of sickness absence (one working day or more) within a term
- A continuous absence due to sickness lasting 4 continuous weeks or more

- Any other sickness absence trend which is giving cause for concern; for example, on certain days of the week or points in the year

Absence indicators can help to manage attendance by:

- alerting the school or the Trust and the employee to the frequency and regularity of sickness absence
- encouraging early dialogue with the employee in order to establish expectations and improve attendance
- helping the school or the Trust to identify possible trends so that preventative measures can be put in place
- assisting the school and the Trust in identifying the financial and educational impact of staff sickness absence

While each case is considered individually and may not result in formal action, the absence concern indicators will prompt a review of an employee's absence and an informal discussion. Where possible, the Trust encourages the headteacher or other senior line manager to hold informal discussions and support to an employee before the absence indicators have been reached.

6.11 Ill health retirement

As far as possible the Trust will consider an employee's eligibility for ill-health retirement before consideration is given to dismissal for lack of capability due to ill-health.

The assessment of eligibility for ill-health retirement follows national and local guidance, both of which require external medical verification.

Support staff who are granted ill-health retirement under the Local Government Pension scheme need to be dismissed in order to access their benefits. This is not a requirement for teachers who just need to agree an end date with the school or Trust once ill-health retirement has been granted and the pension has been awarded.

7. CONCERNS

Where concerns are raised about an employee's sickness absence, and after pursuing the processes outlined in this Policy, the school or Trust may need to move towards more formal procedures. These form the basis of an accompanying document to this policy known as *Staff Attendance Procedures Appendix A*

APPENDIX A

STAFF ATTENDANCE PROCEDURES

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1. PROCEDURE FOR THE MANAGEMENT OF FREQUENT SHORT-TERM SICKNESS ABSENCE

1.1 Leadership of meetings

The term *other senior line managers* is used throughout the procedure document. It refers to people in the Trust, in addition to headteachers, who have responsibility for the oversight of employee attendance. Generally, these leaders also have direct or indirect appraisal responsibilities, thus linking attendance with performance.

The headteacher or other senior line managers plan carefully for the separation of responsibilities and duties of leaders in key roles throughout formal procedures.

1.2 Informal discussions

In most cases, early informal discussions with employees about frequent short-term sickness absence (e.g. during return to work meetings) with appropriate support and interventions, will be enough to improve an employee's attendance. If an employee is approaching or has met one of the absence concern indicators, an informal discussion will be held with the headteacher or senior line manager or another appropriate, nominated person. Where an employee's attendance levels remain unsatisfactory, the formal stages may commence.

At an informal discussion about attendance there is no statutory right to representation by a trade union representative or workplace colleague as this is an informal management meeting, held with a view to improving the employee's attendance before any formal process might commence.

In preparation for the discussion the headteacher, other senior line manager or nominated person should obtain and verify the employee's absence records and provide a copy to the employee prior to the meeting. Time off for agreed medical appointments and pregnancy or maternity-related sickness are not counted towards the absence concern indicator but may be discussed. Disability related absence may count towards the absence concern indicator if there is objective justification; for example, where the impact of the absence on teaching and learning cannot be reasonably tolerated. Leave granted under the Trust's Leave of Absence Policy should also not be counted towards the absence concern indicator as this is not sickness-related but it can be discussed so that the employee can see her/his total attendance pattern.

The discussion will include:

- the accuracy of the attendance record
- the reasons for absence and the strategies, actions or support to help improve and maintain attendance levels (eg referral to counselling or occupational health, suggestions on achieving a work life balance)
- clarification of the expectation that attendance will need to improve
- a clear expectation that if satisfactory improvements are not made during the informal period, the process will move to the formal stage

Brief notes on the meeting will be taken and placed in the employee's personal file. A copy will be given to the employee.

If satisfactory progress has been made during the informal period, the process will not be continued and the employee is informed as soon as possible, with a copy of the letter placed in the employee's personal file.

If satisfactory progress has not been made during the informal period, the headteacher or senior line manager will consider whether to hold a First Formal Attendance Meeting with the employee.

1.3 First formal attendance meeting

A First Formal Attendance Meeting, led by the headteacher, senior line manager or appropriate nominated person, is arranged with the employee as soon as possible after it has been established that the employee's attendance levels remain a cause for concern despite previous informal discussion/support.

The meeting should be held at a suitable location – normally in the school or the Trust offices, other than in exceptional circumstances. From this stage onward the employee has the right to be accompanied by a trade union representative or workplace colleague.

Prior to the meeting the headteacher, senior line manager or appropriate nominated person will review the employee's up-to-date absence record and write to the employee to advise her/him of the purpose of the meeting. Copies of the Staff Attendance Policy, the Staff Attendance Procedure and a breakdown of the employee's absence record will be attached to the letter for discussion at the meeting. The letter and supporting paperwork is sent to the employee at least 10 working days ahead of the meeting to ensure that s/he has enough time to prepare a response and to seek advice from a trade union representative or workplace colleague. A copy of all papers is also sent to the representative.

There will be specific areas of discussion bespoke to the case but the broad content of the meeting will include:

- the accuracy of the employee's absence record, as this will form the base of the meeting
- the reasons for the employee's frequent short-term sickness absences (including mitigation raised by the employee). Agreeing strategies, actions and support to help improve attendance levels; for example, access to counselling, referral to occupational health (if there is believed to be an underlying health issue); suggestions on how to achieve a work life balance
- ensuring the employee is aware of the current overall staff attendance levels in the school or across the Trust, including those in similar roles, and explaining the extent to which the employee's attendance levels fall short of expectations.
- ensuring the employee understands the financial and educational impact of their absence
- agreeing positive steps to enable the employee's attendance levels to improve during the First Formal Attendance Monitoring Period of 13 working weeks

1.4 Outcome of the first formal attendance meeting

During the First Formal Attendance Meeting, the headteacher, senior line manager or appropriate nominated person talks through the points raised above. The employee (or

appropriate trade union representative or workplace colleague) is given the opportunity to present responses and any relevant mitigation. A brief adjournment may be required to consider all the available evidence and to decide whether further action will be taken. Outcomes may include:

- a decision to take no further action at this stage as the employee has given a reasonable explanation for the absence levels and the school or Trust is satisfied with this explanation
- confirmation that the employee's attendance levels remain a cause for concern and the setting out of agreed actions or strategies for improving attendance in an Attendance Improvement Plan for a period of 13 working weeks from the date of the First Formal Attendance Meeting. This is known as the First Formal Attendance Monitoring Period.

If there is believed to be an underlying health condition or disability which is causing the employee to have so much frequent short-term sickness absence, a referral to occupational health is recommended.

If insufficient improvement is made during the First Formal Monitoring Period, the employee may be subject to a further formal monitoring period of 13 weeks, known as the Second Formal Attendance Monitoring Period. If this is required, a date and time for the Second Formal Attendance Meeting is agreed at the end of the First Formal Attendance Meeting.

The headteacher, senior line manager or appropriate nominated person should also confirm in writing within 3 working days of the First Formal Attendance Meeting:

- a summary of the key points discussed
- confirmation of the outcome reached
- copy of the Attendance Improvement Plan (where appropriate)
- date, time and venue agreed for the Second Formal Attendance Meeting (where appropriate)

1.5 Second formal attendance meeting

The headteacher or senior line manager should arrange a Second Formal Attendance Meeting with the employee to review her/his absence levels during the First Formal Monitoring Period on the date agreed at the First Formal Attendance Meeting (allowing for a change of date if there is compelling need). The principles outlined for the First Formal Attendance Meeting are followed equally for this meeting.

The purpose and outcome of the meeting will vary, depending on whether the absence levels remain a concern at the end of the first 13-week period of monitoring, known as the First Formal Attendance Monitoring Period.

Outcomes may include:

- a decision to take no further action at this stage because the frequent short-term absence levels have improved between the First and Second Formal Attendance Meetings. This is an opportunity to discuss the improvements and their positive impact

(financially and educationally) on the school or the Trust. However, the employee is reminded that her/his attendance levels will continue to be monitored in accordance with the absence concern indicators for all staff. If the employee meets an absence concern indicator within 6 months of the Second Formal Attendance Meeting, the process may continue from the beginning of the Second Formal Attendance Meeting stage.

- Confirmation that the employee's attendance levels remain a cause for concern despite receiving monitoring and support via an Attendance Improvement Plan during the First Formal Attendance Monitoring Period of 13 weeks.

There will be specific aspects of the discussion bespoke to the case but the discussion will normally cover:

- the accuracy of the employee's current absence record reasons for the absences during the First Formal Attendance Monitoring Period, including mitigation by the employee
- agreeing any additional strategies or actions to help improve attendance levels during the Second Formal Attendance Monitoring Period, such as risk assessments or referral to counselling and referral to occupational health if there is believed to be an underlying health condition
- the current overall staff attendance levels in the school or the Trust, including those in similar roles, and the extent to which the employee's attendance levels currently fall short of this standard.

The emphasis is on agreeing positive steps together in an Attendance Improvement Plan, which may enable the employee's attendance to improve during a further period of 13 weeks. However, the employee should be formally warned that, unless attendance levels improve significantly during the Second Formal Attendance Monitoring Period, consideration will be given at the **Decision Meeting** to refer the case for a possible outcome of termination of employment due to unsatisfactory attendance.

During the meeting the headteacher or senior line manager may wish to adjourn briefly to consider all of the available evidence and to decide on an appropriate outcome. If further monitoring is deemed necessary, a date and time for the Decision Meeting is agreed during the Second Formal Attendance Meeting to coincide with the end of the Second Formal Attendance Monitoring Period.

The headteacher or other senior line manager should also confirm in writing within 3 working days, the outcome of the Second Formal Attendance Meeting, including a summary of the key points discussed, confirmation of the outcome reached (including a copy of the Attendance Improvement Plan where appropriate) and the date and time agreed for the Decision Meeting if further action is necessary.

1.6 The Decision Meeting

In cases where frequent short-term absence remains cause for concern, a Decision Meeting will usually take place to review an employee's attendance levels in line with previously

agreed Attendance Improvement Plan at the end of the Second Attendance Monitoring Period of 13 weeks i.e. 26 weeks from commencement of formal monitoring.

The Decision Meeting is arranged in line with the process outlined for the previous meetings. The meeting should be held at a suitable location – normally in the school or the Trust offices, other than in exceptional circumstances. The employee has the right to be accompanied by a trade union representative or workplace colleague.

Prior to the meeting the headteacher or senior line manager will review the employee's up-to-date absence record and writes to the employee to advise her/him of the purpose of the meeting. A breakdown of the current absence record will be attached to the letter for discussion at the meeting. The letter and supporting paperwork will be sent to the employee at least 10 working days ahead of the meeting to ensure that s/he has enough time to prepare a response and to seek advice from a trade union representative or workplace colleague. A copy of all papers will also be sent to the representative.

The previously agreed date may be altered if it is agreed that there is are good reasons or a compelling need; for example, sickness or emergencies. If the employee or her/his representative are unable to attend the Decision Meeting without good reason on the time and date previously agreed, the headteacher or other senior line manager may continue and review all of the evidence (including the employee's current absence record and any other supporting evidence), confirming the next steps in writing to the employee.

The options available to the headteacher or other senior line manager following the meeting are:

- to take no further action following substantial improvement in attendance during the Second Formal Attendance Monitoring Period
- to summarise the current overall staff attendance levels at the school or across the Trust, including for similar roles and explain how the employee's attendance levels still fall short of this standard, despite the support from The First and Second Monitoring Periods. A letter should be sent warning the employee that (subject to medical advice from occupational health) the case may now be referred to a Trust Hearing Committee which may lead to the termination of employment due to unsatisfactory attendance.
- if the headteacher or senior line manager feels that some improvement in attendance levels have been made during the Second Formal Attendance Monitoring Period but not enough to decide on no further action, the Headteacher or other senior line manager confirms that the Second Formal Attendance Monitoring Period will be extended for a further reasonable period on a case by case basis.

The headteacher or other senior line manager should confirm in writing within 3 working days, the outcome of the Decision Meeting, including a summary of the key points discussed. This should include an updated Attendance Improvement Plan where appropriate, confirmation of the outcome reached and the next steps.

2.PROCEDURE FOR THE MANAGEMENT OF LONG-TERM SICKNESS ABSENCE

Sickness absence is considered to be long-term if an employee has been absent for 4 continuous weeks or more.

2.1 Leadership of meetings

The term *other senior line managers* is used throughout the procedure document. It refers to people in the Trust, in addition to headteachers, who have responsibility for the oversight of employee attendance. Generally, these leaders also have direct or indirect appraisal responsibilities, thus linking attendance with performance.

The headteacher or other senior line managers plan carefully for the separation of responsibilities and duties of leaders in key roles throughout formal procedures.

2.1 Informal discussions

If an absence has lasted for 4 continuous weeks or more and there is no likelihood of an early return to work, a welfare meeting is arranged with the employee at school, the Trust offices, the employee's home or at a neutral location with the employee's agreement. There may also be special circumstances during which an earlier welfare visit is arranged. The employee is invited to provide any further documents, that would aid the discussion, including medical evidence. Any contact arrangements are sensitive to the employee's needs and circumstances.

During the welfare meeting which will be carried out by the headteacher or a senior line manager, the employee will be invited to discuss all or some of the following according to circumstances:

- the cause of the absence and the relevant details of the diagnosis
- the duration of the illness if known
- any other factors at work or at home which might be contributing to the absence
- suggestions of support, actions, reasonable adjustments or risk assessments that could be put in place by the employee, the school or the Trust to help the employee return to work (including ergonomic assessments from external agencies where appropriate)
- the benefits of referral to occupational health and review of any referral paperwork, if this has been prepared in advance
- the date(s) for future meetings and contact
- where appropriate, possible alternatives if the employee is unable to return to work; for example, mutually agreed reduction in working hours by a temporary or permanent reduction in contract or stepping down in terms of responsibilities
- the possibility of ill-health retirement or otherwise leaving employment, if the employee wishes to discuss these matters at this early stage

After the welfare meeting further, informal meetings may be arranged as appropriate with the employee in order to discuss and re-evaluate the situation. Medical information from a fit note, occupational health or other medical specialists are essential to discussions about appropriate action and should form the basis of communication with the employee. It is often useful for occupational health to review the employee's medical situation at appropriate periods and for the school or Trust to discuss the latest report with the employee.

If it appears from regular communication with the employee and consideration of the latest fit notes that s/he is fully fit to return or that s/he may be fit to return subject to specific adaptations (such as a phased return to work), a return to work meeting should be arranged

by the headteacher or senior line manager prior to the return to discuss any support that can be offered and/or updates on work matters.

2.2 First Formal Attendance Meeting

If, despite attempts at informal contact and welfare support, it is apparent from medical evidence that the prognosis for the employee's return to work is uncertain or unknown, consideration is given to inviting the employee to a First Formal Attendance Meeting. The purpose of the meeting is to determine:

- the medical treatment that the employee is receiving and the prognosis for recovery
- the employee's views on how much longer s/he will be off work and her/his expectation of being able to return to work within a reasonable period
- the additional adjustments or supportive measures which the school or Trust could put in place to facilitate the employee's return to work. (These can be suggested by the employee, but advice is also sought from occupational health and/or HR consultants)
- any additional available support for the employee; for example, mutually agreed reduction in hours by a temporary or permanent variation in contract and/or stepping down of responsibilities; discussion about ill-health retirement or otherwise leaving the employment – if the employee wishes to discuss these matters
- the financial and educational impact that the current period of long-term sickness absence is having and whether in all the circumstances, the school or the Trust can reasonably be expected to wait any longer for the employee to return to work
- the advice to the employee that as a last resort, and once all other suggestions have been considered, that her/his case will be referred to the Trust's **Hearing Committee** and that the outcome may be dismissal due to ill-health capability.

2.3 Outcome of the First Formal Attendance Meeting

Following the discussions, the headteacher or senior line manager adjourns to consider the evidence and the options available. These may include:

- setting a date for a return to work meeting with the employee as a return to work is now possible within a specific reasonable timescale
- setting a further reasonable period to allow for additional management support and/or recovery. During this period the school or the Trust will consider whether to consult with the employee and to review medical advice. This option will be supported with a warning that if the employee is unable to guarantee a return to work date within a reasonable defined period, then s/he may still be referred to the Hearing Committee for consideration of future employment
- if the employee has been granted ill-health retirement, either agreeing an end date (for teachers) or explaining that her/his case will now be referred to the Hearing Committee for lack of capability due to ill health

The headteacher or senior line manager confirms in writing within 3 working days the outcome of the First Formal Attendance Meeting, including a summary of the key points discussed, actions agreed, confirmation of the outcome reached and next steps.

The point at which dismissal on the grounds of ill-health may be appropriate, will vary according to the individual circumstances of the case. Dismissal is always a last resort once

all reasonable alternatives have been considered. The key question for the school or the Trust (which would be, for example, examined at a Tribunal) is whether or not in all the circumstances, it can reasonably be expected to wait any longer for the employee to return to work. Each case should therefore be considered individually, and early advice sought from Trust HR or the Trust's solicitors.

2.4 Decision Meeting

If following the First Formal Attendance Meeting, the Trust, head teacher, senior line manager has established through on-going consultation with the employee (including recent medical advice and/or the impact of additional management support) that a return to work date remains unknown or uncertain, the employee will be invited to a **Decision Meeting**. If possible, the meeting should be held at the Trust offices or school. However, it may be appropriate for the meeting to be held at the employee's home or at a neutral venue with his or her consent.

The purpose of the meeting will be to review all of the points and to gauge if and when the employee is in a position to return to work based on latest medical advice and/or the employee's own views.

Following the discussions, the Trust, head teacher, senior line manager will adjourn to consider the options available. The options may include:

- Setting up a date for a return to work meeting with the employee as a return to work is now possible within a specific reasonable timescale;
- Setting a further period to allow for additional management support. This option to be supported with a warning that if the employee is unable to guarantee a return to work date within a reasonable defined period, then s/he may be referred to a committee of governors for consideration of future employment;
- Confirming to the employee that his or her case will now be referred to governors for lack of capability due to ill-health on the basis that there is no prospect of his or her return within a reasonable timeframe and that all reasonable alternatives to dismissal have been considered.

The head teacher, principal or nominated manager will normally refer a case to a Trust Hearing Committee with a recommendation that they consider termination of employment if:

- there is little or no likelihood of an employee who has undergone a period of long term sickness absence returning within a reasonable period, and this absence is having a detrimental impact on pupils' education and/or on fellow colleagues; and/or
- recommended or implemented adjustments are not considered reasonable for the school or academy in the long term.

The Trust, head teacher, senior line manager should confirm in writing within 3 working days the outcome of the Decision Meeting, including a summary of the key points discussed/action points, confirmation of outcome reached and next steps.

2.5 Managing a combination of frequent short term and long term sickness absence

Where a combination of frequent short term sickness absence and long term sickness absence is a cause for concern, the Trust or school should manage this by reference to the latest or current type of absence. However, it may be necessary in informal and formal management meetings to refer to the impact that both types of sickness absence are having and to offer appropriate support.

3. TRUST HEARING COMMITTEE

The Hearing Committee is composed of at least three trustees and the CEO. As an employee the CEO may not chair the Committee. Its purpose is to review all of the points raised from the outcome of the First Formal Attendance Meeting and to listen to the referral made by the headteacher or senior line manager if the recommendation is that a termination of employment is required. The Hearing will consider if:

- there is little or no likelihood of an employee who has undergone a period of long-term sickness absence returning within a reasonable period and that this absence is having a detrimental effect on pupils' education and other colleagues; and/or
- recommended or implemented adjustments are not considered reasonable for the school or the Trust in the long-term

3.1 General principles

The dismissal of an employee on the grounds of ill-health capability or unsatisfactory attendance is a last resort only after all other options have been fully reviewed and all possible adjustments have been considered to support the employee's continuing employment.

3.2 Preparation

In preparation for the Trust Hearing Committee all reports will be collated including any available and current medical advice e.g. from occupational health. Regardless of the type of absence causing concern, it is essential to verify whether or not there is an underlying illness or disability that is causing the employee to have so much time off, and to obtain a prognosis of that illness, before the employee is considered for dismissal for ill-health capability or unsatisfactory attendance.

A formal notice to the employee inviting her/him to attend a Trust Hearing should be issued in writing, with an explanation of the hearing's purpose, the reasons it is being held and its place in the procedure. Copies of any relevant documents should be attached to the notice. The letter reminds the employee of her/his right to be represented. At least 10 working days' notice is given so that the employee has time to prepare and to seek advice.

The employee is asked to confirm that s/he will be attending the hearing, the name and contact of the person representing her/him and a list of any witnesses he/she intends to call. The employee should also be reminded to provide this information along with any documentation s/he wishes to rely on, at least 5 working days before the hearing. The names of any witnesses from both sides should be circulated in advance and all witnesses should be asked to provide a written statement for consideration at the hearing.

It is useful to agree a date with the employee's representative and Trustees before sending out the formal notice. The employee may suggest an alternative date or time for the hearing as long as it is reasonable and is not more than 5 days after the original date. The Trustees may reject the suggestion but only if they feel it is unreasonable, when they may proceed to hear the case in the employee's absence.

3.3 Presentations

The headteacher or senior line manager will usually present the case. If the headteacher is the subject of the hearing, the case is presented by the CEO or Director of School Improvement.

The Trustees will seek HR guidance on the structure of the Hearing Committee and will inform the employee and her/his representative of the process ahead of the Hearing Committee.

The Trust's Office Manager will provide all appropriate administrative and communications support for the Hearing Committee and will take formal minutes of the Hearing.

3.4 Decision

The Hearing Committee will consider all evidence about non-attendance, including any mitigation presented by the employee and will decide on one of the following options:

- to take no further action in relation to the employee
- to determine that the employee should be given notice and cease to work at the school or Trust due to ill-health capability (long-term sickness) or unsatisfactory attendance (frequent short-term sickness) and given notice of dismissal
- to set a final reasonable review period to allow for additional formal monitoring and/or management support – with a warning that if the situation has not been resolved satisfactorily with a reasonably defined period, then the Committee will reconvene to reconsider the employee's continued employment

The Hearing Committee will announce the decision to the parties in person if possible and subsequently in writing. Any verbal communication is confirmed in writing within 3 working days, including the right of appeal.

The headteacher or senior line manager will take HR advice on the duties that the employee should undertake during any notice period.

3.5 New attendance concerns following the Hearing

The headteacher or senior line manager may refer a case back to the Hearing Committee, following the completion of a final reasonable review period if one or more of the following apply:

- the employee's attendance levels have not improved to a satisfactory level
- there is little or no likelihood of an employee with long-term absence, returning within a reasonable period

- recommended or implemented adjustments are not considered reasonable by the school or Trust in the long-term

The outcome of any reconvened Hearing Committee will be one of the following:

- dismissal or cease to work with notice due to unsatisfactory attendance (frequent short-term sickness)
- dismissal or cease to work with notice due to unsatisfactory attendance (long-term sickness absence)
- no further action taken/withdrawn

4. APPEAL PROCESS

4.1 Rights and purpose

An employee has the right of appeal against the decision of the Hearing Committee and can appeal further to the Trust Board. The appeal may be against:

- a determination that an employee should cease to work at the school or Trust or be dismissed
- a determination that an employee should be set a final reasonable review period to allow for additional formal monitoring and/or management support

The purpose of the appeal process is to give the employee the opportunity to have her/his grounds of appeal considered by a committee of Trustees who have had no previous direct involvement in the case (known as the Appeal Committee).

4.2 Organisation

An employee may appeal by giving written notice of appeal including grounds and all relevant supporting evidence to the Trust's Office Manager within 10 working days of receiving notification of the outcome of the Hearing Committee. The employee must state the exact reasons for the appeal, which must be relevant to the outcome of the Hearing Committee.

The Appeal Committee is made up of three non-executive Trustees. The Appeal Committee is arranged as quickly as possible, with every effort made to agree a date with the employee and their representative.

The employee may request an alternative date and time as long as it is reasonable and not more than 5 days after the original date. The Appeals Committee may reject the request if it is unreasonable and may proceed to hear the case in the absence of the employee or the employer's representative. The Appeals Committee may also defer the date of the appeal to reach mutual agreement on a particular date.

The Office Manager will give reasonable notice of the Appeal Hearing to all participants.

The Appeal Committee will take HR and legal advice from the Trust's solicitors in terms of the procedure to be followed during the appeal.

4.3 Decision

Following an adjournment to consider the evidence, the Appeals Committee may:

- dismiss/reject the employee's appeal (so that the original Hearing Committee decision stands)
- uphold/accept the employee's appeal and determine what future action should be taken; or
- uphold/accept the appeal and amend the period defined for further improvement and/or management support as decided at the original Hearing Committee

The Appeal Committee may announce the decision verbally to the parties and follow this up with written notification to the employee of their decision within 5 working days of the Appeal Committee. The written notification will include a summary of the key points discussed and actions agreed, confirmation of the outcome reached and what will happen next.

The decision of the Appeal Committee is final within this procedure.

5. OTHER MATTERS RELATING TO ATTENDANCE

Health concerns unrelated to absence

While the vast majority of cases considered under this procedure will relate to attendance, there may be rare cases of employees who are attending work but appear to be unfit because of a particular medical condition. These medical conditions may lead the relevant pension scheme to grant ill-health retirement; however, it should not be assumed that an employee is unfit for work just because s/he suffers from a particular condition.

If the school or the Trust becomes aware of erratic or threatening employee behaviour which appears to be linked with a medical condition, urgent advice should be sought from Trust HR. Depending on the circumstances it may be advisable for the employee to be asked to go home and make an appointment with her/his GP as soon as possible especially if the employee presents a safeguarding risk to pupils or staff. If the employee refuses and s/he is considered to be potentially placing herself/himself or others in the school or Trust at risk, HR advice should be sought and suspension may prove necessary. It is likely that an urgent referral to occupational health will also be required. Discussions with a trade union representative may also be useful in these circumstances.

Informal discussions may be the best way of managing difficult cases of this nature and the school or Trust is advised not to move too quickly to formal procedures unless absolutely necessary. Ultimately it may be necessary to start the formal stages under this procedure and, as a last resort, this may include a hearing where the termination of employment will be considered. The Trust will always put the safeguarding of pupils and staff as a first priority.

REVIEW

Monitoring and review	Trust Board Director of Operations
Links	Staff Code of Conduct
Staff responsible	Headteacher and Executive Leaders
Committee responsible	Trust Board
Date approved	November 2018
Reviewed	March 2021
Next review	November 2022
Sign off by Chair of Trust	 Date: March 2021

*Please note that should there be any changes/further national guidance issued relevant to this Policy and associated procedure, it will be updated accordingly prior to the review date shown above and referred to the next Trust Board meeting.

Change Management

Issue No.:	Change date:	Change description:
1.0	Nov'18	Initial release
2.0	Nov'20	Review
3.0	Mar'21	Review