

Drapers' Multi-Academy  
Trust

# **SICKNESS ABSENCE POLICY**

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## 1. Policy Statement

The success of the pupils within the Drapers' Multi-Academy Trust (the MAT) is intrinsically linked to good attendance of staff. Good attendance and continuity of service is important for delivering a high impact teaching and learning experience to pupils. It is the MAT's policy to balance maximum service delivery, the equitable treatment of all employees and payroll costs through the effective management of sickness absence, whilst at all times acting as a fair and reasonable employer. The MAT fully and positively accepts its obligation to ensure the health, safety and welfare of all employees, and effective sickness absence management is viewed in this context.

The MAT has a number of policies, procedures and initiatives to promote health, safety and welfare at work which should also be referred to when applying this procedure. The MAT will investigate and consider positive solutions to attendance problems when appropriate. Affected employees will be given the opportunity to put forward any possible solutions for consideration.

## 2. Scope

- 2.1. This policy and process has been devised to outline how frequent and long-term sickness absence is managed in schools and to provide a fair, consistent and sensitive framework which will enable the MAT/Principals/Line Managers to adopt a positive approach. At the same time, it will ensure that employees continue to enjoy their employment rights and entitlements and that they are properly supported throughout the process by adhering to employment, equalities and education legislations.
- 2.2. This policy will apply to all permanent employees and employees on fixed term or temporary contracts, including the Principal and those employees employed directly to work at the MAT schools and where a school has a responsibility for their recruitment and dismissal. The only exceptions are those employees who are within their probationary period. Probationary employee's contract will be reviewed in the light of their attendance record in addition to their performance and conduct. This policy also applies to employees of the MAT Central Services and in the case of a sickness absence issue then the Chief Executive Officer (CEO) and/or the Chair of the MAT Board would deal with the process. In the case of the CEO, then the matter would be managed by the Chair of the MAT.
- 2.3. The majority of sickness absence is genuine and will need to be dealt with sympathetically but any abuse of the sick pay scheme including failure to follow sickness reporting process and unauthorised absence should be dealt with in accordance with the MAT's disciplinary procedures
- 2.4. In certain circumstances it will be appropriate that some or part of the process are not fully implemented i.e. some stages of the process may be protracted or skipped; additional meetings may be held if agreed by all parties that it is appropriate. It is important that fair and consistent treatment is applied to all employees.
- 2.5. Guideline letters have been included in the letters/forms folder/file. It is expected that the suggested format should be used, however, the MAT's HR Manager can advise on any necessary amendments required to allow for individual circumstances.
- 2.6. Principals and line managers are required to ensure that their application of this policy and process does not impact unfairly on employees with reference to any of the protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex or sexual orientation). In particular, Principals / Line Managers should be alert to the possibility that sickness absence may amount to a disability under the Equality Act 2010. Where this is a possibility particular care

should be taken to seek specialist advice e.g. from Occupational Health and the MAT's Human Resources services provider to consider any reasonable adjustments, as appropriate.

- 2.7. Where reference is made to Conditions of Service, the documentation referred to is:
- Conditions of Service for School Teachers in England and Wales [August 2000] Known as the 'Burgundy Book'
  - National Agreement on Pay and Conditions of Service. Known as the 'Green Book.'

\*\*\*\*\***Any revision to the regulations will supersede this policy**\*\*\*\*\*

### **3. Roles & Responsibilities**

It is essential to have a clear, consistent and fair process for managing attendance issues that cause concern. In order to have in place a set of such process, it is recognised that all parties involved in the attendance of staff have a responsibility to ensure that this process is carried out according to the MAT's policy and in line with legal requirements. These roles and responsibilities are as follows:

#### **3.1 Local Governing Bodies**

- 3.1.1 The Local Governing Bodies must ensure that schools adopt this attendance and sickness management policy.
- 3.1.2 If an employee's attendance record due to sickness should continue to prove unsatisfactory and where the Principal does not have delegated authority to dismiss, the Chair of the Local Governing Body will arrange a capability meeting. The capability meeting will be held before a sub-committee comprising 3 members of the school's Local Governing Body.
- 3.1.3 In the case of a Principal's sickness absence the Chair of the Local Governing Body will have the same role and responsibility as detailed in 3.2 below.
- 3.1.4 Appeals against Capability [Ill Health] dismissals will be heard by a Local Governing Body Appeal Panel.
- 3.1.5 A Local Governing Body may, in exceptional circumstances and/or where there is an urgent need in the light of available medical evidence, suspend an employee from duty.

#### **3.2 Principals / Line Managers**

- 3.2.1 Principals/Line Managers should seek advice and support from the MAT's HR Manager as required.
- 3.2.2 Principals/Line Managers should undertake their own monitoring of sickness absence and identify when triggers have been hit.
- 3.2.3 When an employee reports their non-attendance due to sickness and the absence appears to be for a period of time, the Principal/Line Manager should agree an appropriate timeframe

for regular contact throughout the absence. This will be in order to ask about progress and to keep the employee informed of news regarding the workplace.

- 3.2.5 When an employee returns from **any** period of sickness absence, the Principal/Line Manager will conduct a return to work interview.
- 3.2.6 When a sickness trigger level is reached the Principal/Line Manager will write to the employee to notify them that the trigger has been met and to outline the proposed action i.e. referral to occupational health, sickness review meeting etc. In cases of referral to occupational health the information contained in the referral form will be shared with the employee being referred.
- 3.2.7 The Principal/Line Manager will request consent from the employee before a medical consultation/examination and/or report is provided and to allow Occupational Health to approach the employee's GP/medical advisers for medical information pertinent to the individual's situation. Employees have the right to withhold consent in such circumstances.
- 3.2.8 Where an individual refuses to give consent or cause unreasonable delay in giving consent for medical information to be sought / divulged the Principal/Line Manager reserves the right to make any future decisions based on the available information.
- 3.2.9 The Principal/Line Manager will write to the employee giving them 5 working days' notice of a sickness review meeting.
- 3.2.10 The Principal/Line Manager will keep notes of all meetings and will communicate and confirm agreed actions covered by this process in writing to the employee.
- 3.2.11 Principals/Line Managers should, where necessary and where requested by Occupational Health carry out Risk Assessments for staff returning to work after a period of sickness absence.
- 3.2.12 Principals/Line Managers have an essential duty to give due consideration to the possibility of making reasonable adjustments i.e. allowing time off; phased return after illness; light duties for a short time etc.
- 3.2.13 If an employee's attendance record should continue to prove unsatisfactory then the Principal with delegated authority from the School's Local Governing Body, may decide to terminate the contract at a Capability Hearing [ill health].
- 3.2.14 Where a Capability hearing [Ill Health] is to be arranged the Principal/Line Manager will write to the employee at least 10 working days' before the hearing.
- 3.2.15 Capability hearing [Ill Health] will be Chaired by the Principal [if delegated authority] or by a Sub Committee of the Local Governing Body.
- 3.2.16 Alcohol and drug abuse related illnesses - If a Principal / Line Manager suspects or is made aware that an employee is experiencing problems associated with alcohol or drugs;

Principals/Line Managers should refer to the Alcohol and Drug Policy alongside the Sickness Policy.

### **3.3 MAT's HR Manager**

3.3.1 The MAT's HR Manager will provide support to the Principal or Line Manager at sickness absence meetings, including capability hearings.

### **3.4 Occupational Health**

3.4.1 The Occupational Health Service provides an employer service on occupational health matters to the LA and schools and their Local Governing Bodies. The service is concerned with medical rather than welfare matters. Employees may request a referral to the Occupational Health Unit via their Principal/Line Manager if they have concerns about their health.

3.4.3 The medical service provided has an occupational focus and the Occupational Health provider endeavours to identify and assist with problems at work which may affect health and/or cause absence and aims to provide a high quality of advice to employees, schools and Local Governing Bodies on health and medical problems that arise in the work place.

3.4.4 **Consent:** Consent will be required from the employee before a medical consultation/examination and/or report is provided and to allow Occupational Health to approach the employee's GP/medical advisers for medical information pertinent to the individual's situation.

### **3.5 Employees**

3.5.1 All employees have a duty to notify their Principal/Line Manager (or the designated officer) if they are unable to attend work due to sickness absence as soon as possible on the first day of sickness absence, at the latest within one hour of the normal starting time or in accordance with the prevailing school policy. The employee should indicate the nature of the illness, how long s/he is likely to be absent (if known), and whether s/he intends to consult a GP. Employees should telephone personally, other than in exceptional circumstances when a relative or friend may call on their behalf.

3.5.2 Unless it is clear on the second calendar day of absence that the employee is returning, he/she must contact the Principal or designated contact person in school every day, unless otherwise agreed with the school or in line with the prevailing school policy.

3.5.3 All employees must notify their Principal/Line Manager if the absence is due to injury caused by a third party.

3.5.4 Employees who are unable to attend work due to sickness should maintain regular contact with their Principal/Line Manager or in the case of the Principal's absence the Chair of the Local Governing Body. The timeframe for contact should be agreed once it is known the absence is likely to continue for some time.

3.5.5 All employees must abide by the sick pay scheme rules.

- 3.5.6 If an employee is absent for up to 7 calendar days, on returning to work he/she can self-certify. They must complete a self-certificate and attend a return to work meeting.
- 3.5.7 If a sickness absence continues for 8 calendar days or more, including a weekend and/or bank holidays, an employee will be required to provide a fit note to cover any continuing period of absence due to sickness irrespective of the length of time involved
- 3.5.8 If an employee falls sick during a holiday period they will be expected to submit fit notes in accordance with 3.5.6 and 3.5.7 above as if the days of closure were school days. If during a period of school closure an employee falls ill it shall be their duty to notify the school of this by contacting the MAT's HR Manager or the school's administration department. During closure periods employees can contact the school or the MAT's HR Manager and provide evidence of fitness to work if this occurs during a closure period.
- 3.5.9 Sickness During Working Hours - If an employee becomes sick and leaves work before completing half of their contracted hours for that day, they will be recorded as being sick for half a day. If they work more than half of the day, then they will be treated as if at work for the full day and sick leave will not be deemed to start.
- 3.5.10 Unauthorised Absence – Failure to comply with the sickness reporting process is likely to lead to the absence from work being considered 'unauthorised' resulting in potential loss of pay, and in some cases, potential disciplinary action.
- 3.5.11 Following a long period of sickness absence or following a contagious illness the employee should provide a fit note certificate indicating that they are fit to work.
- 3.5.12 All employees who have been absent due to sickness must attend a return to work interview with their Line Manager/Principal.
- 3.5.13 Employees must attend an appointment with Occupational Health Service if required. Failure to attend an Occupational Health Service appointment for no legitimate reasons, the Principal/Line Manager may take one of the following options:-
- as the employee is in breach of the sick pay scheme, to pay statutory sick pay only, until the conditions of the scheme are met; and/or.
  - to proceed and make a decision in accordance with the absence process on the basis of the information already received.
- 3.5.14 Failure to comply with the certification process may result in loss of sick pay.
- 3.5.15 For levels of sick pay entitlements, please refer the relevant conditions of service document.
- 3.5.16 All employees who reach one or more of the sickness absence triggers may be required to attend a review meeting depending on individual circumstances:
- **6 days or more in a 6 month rolling period.**
  - **8 days absences or more in a 12 month rolling period**

- **Where there appears to be a pattern or type of absences which causes concern, for example where there is a pattern of absence on either side of the weekend, or on days where there are particular shifts or peak workloads.**
- **Long-term sickness is for a continuous period of time of usually 4 weeks or 20 working days.**

**The above triggers would be pro-rated for part-time staff**

- 3.5.17 All employees who are required to attend a sickness review meeting must make every effort to attend. If the employee is too ill to attend, the employee can nominate their representative/work colleague to attend on their behalf.
- 3.5.18 Where sickness absence levels remain a cause for concern and following a first review and monitoring period employees may be required to attend a second review meeting.
- 3.5.19 Following a second review and monitoring period and where sickness absence levels remain a cause for concern an employee may be required to attend a capability hearing.
- 3.5.20 Where attendance improves employees will be advised that the formal sickness process has ended. If further occasions of sickness absence occur within 12 months of the end of the last review meeting the process will commence from the same stage as the last review.
- 3.5.21 Where an employee is dismissed following a capability hearing and are dissatisfied with the decision they will have a right to appeal. Appeals should be submit in writing to the Chair of Governors of the School within 10 working days of receipt of the decision.
- 3.5.22 Telephone based confidential counselling services are available through the school's Employee Assistance Programme (EAP) provider, and employees should speak to their Principal/Line Manager for details.

## **4. Legislation**

### **4.1 The Equality Act 2010**

The Equality Act came into force on 1 October 2010 and has brought together many previous equality related legislation into one act. It identifies 9 Protected Characteristics and the Act provides protection from unlawful discrimination in respect of these characteristics. The Characteristics are:

- **Age**
- **Disability**
- **Gender reassignment**
- **Marriage and civil partnership**
- **Pregnancy and maternity**
- **Race**
- **Religion or belief**
- **Sex**
- **Sexual orientation**

4.2 Health and Safety at Work Act.

4.3 Data Protection Act 1998.

4.4 Access to Medical Records.

## **5. Assessment of Risk**

Please see the Equality Impact Assessment.

## **6. Definition of Terms**

The key terms used throughout this policy and management tool kit are considered to be and are defined as follows:

### **6.1.1 Absence**

The inability to attend work for any reason other than sickness absence.

### **6.1.2 Sickness Absence**

The inability to attend work due to incapacity through illness or injury

### **6.1.3 Occupational Health Department**

The medically qualified body under contract to the school to report on sickness absence.

### **6.1.4 Self Certificate of sickness absence**

A self-completed certificate covering up to 7 days absence due to sickness.

### **6.1.5 Doctors Fit Note**

The fit note is issued by a G.P./Doctor to an employee as evidence of whether or not s/he is able to go to work. It replaces the sick note from 6 April 2010.

#### **6.1.6 Back/Return to Work Interviews**

An interview carried out by the Principal/Line Manager for all staff returning from a period of sickness absence.

#### **6.1.6 Risk Assessment (Stress/Workplace/DSE)**

Risk assessments are often recommended by occupational health and are carried out by the Principal/Line Manager on staff returning from long term sickness absence, or following either surgery or injury.

#### **6.1.7 Sickness Absence Report (SIMS)**

A report taken from the collected sickness records held by the schools' administration department.

#### **6.1.8 Sickness Triggers**

Sickness Triggers are a number of days/occasions of absence where the level of absence is considered to be unsatisfactory.

#### **6.1.9 Adjustments to the job**

Where medical advice or a discernible risk has been identified, temporary and reasonable adjustments to the job should be considered.

#### **6.1.10 Short Term Sickness Absence**

These are periods of short term frequent absence and irregular odd days, whether certified or not.

#### **6.1.11 Long Term Sickness Absence**

This is a period of sickness absence lasting for more than 20 consecutive working days.

#### **6.1.12 Sickness Review Meetings**

A meeting to discuss with the employee the reasons for the sickness absence/s.

#### **6.1.13 Phased Return To Work**

In some cases, a phased return to work for someone returning from long-term absence will be appropriate. This recommendation will usually come from Occupational Health. This may mean a structured return to work over a number of weeks, working reduced hours or carrying out fewer/different tasks, gradually building up to normal contractual arrangements. This should usually take no more than 4 weeks but a shorter or longer phased return may be appropriate depending on the individual case and progress needs to be reviewed weekly.

The employee will normally receive full pay during a phased return to work programme provided they attend work each day. If they have to take a full day off during the phased return period this will be recorded as sick and they receive sick pay. At the end of the phasing back period, the line manager should meet with the employee to establish whether they are

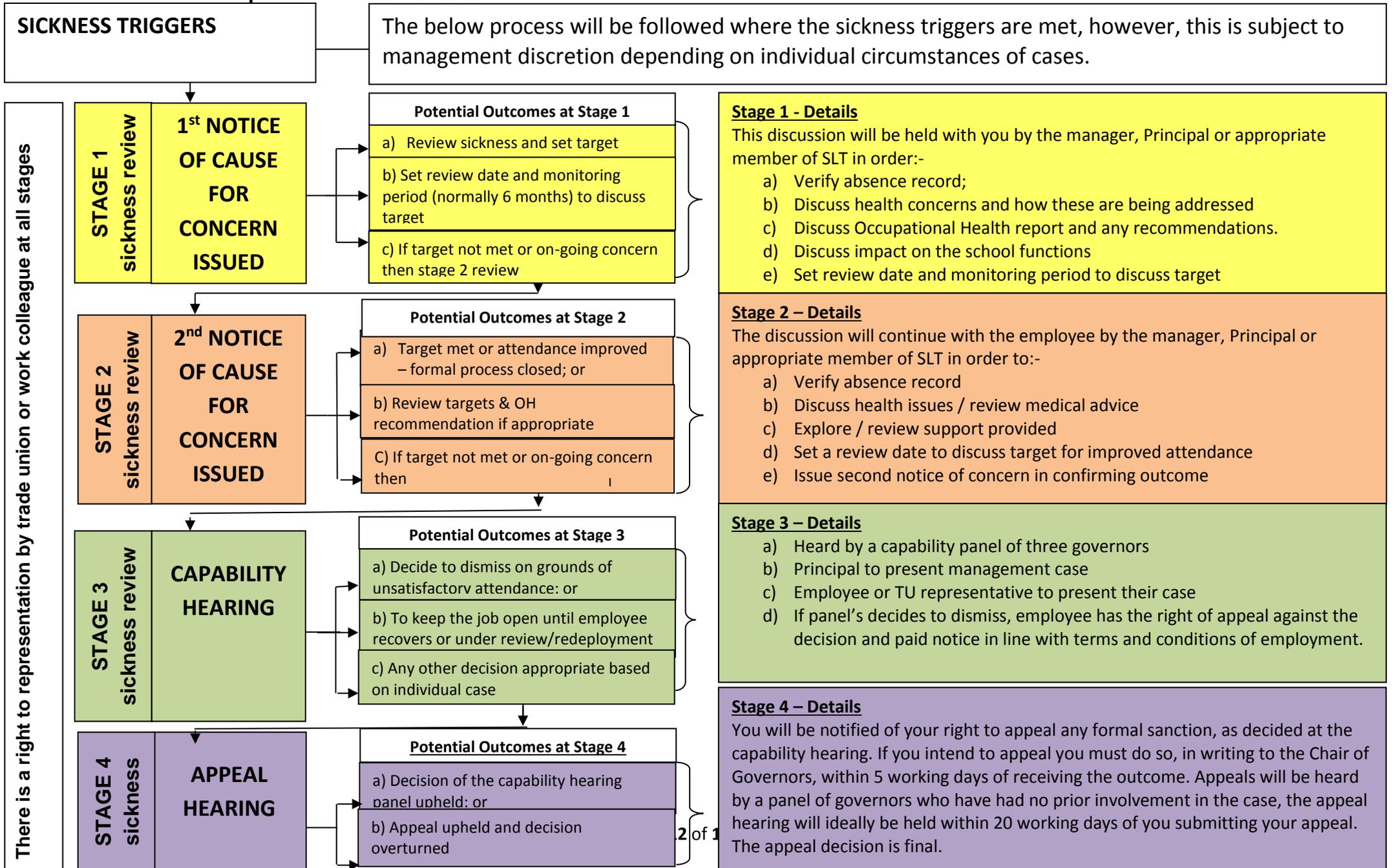
able to undertake full duties. If necessary the line manager will take further advice from Occupational Health in liaison with the MAT's HR Manager.

#### **6.1.14 Retirement On The Grounds Of Ill Health**

Where an employee is suffering from chronic or acute illness which may render them permanently unfit to carry out their duties efficiently, ill health retirement may be considered prior to convening a formal meeting to consider dismissal on absence grounds. Ill health retirement involves the termination of the employee's employment by resignation or by mutual agreement.

## 7. Process

### 7.1 Short term / Frequent Absence Flowchart



## 7.2 Long Term – Sickness Absence Flowchart

