



## **An Daras Multi-Academy Trust**

# **Managing Sickness Absence Policy**

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The An Daras Multi-Academy Trust (ADMAT) Company

An exempt Charity Limited By Guarantee

Company Number/08156955

Approved by: RSS Committee

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## **1. Introduction**

- 1.1. We are committed to promoting your wellbeing while encouraging you to maximise your attendance at work. This policy sets out our procedures for reporting sickness absence and for the management of sickness absence in a fair and consistent way. 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).
- 1.2. We wish to ensure that the reasons for sickness absences 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.
- 1.3. We are aware that 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.
- 1.4. If you consider that you are affected by a disability or any medical condition which affects your ability to undertake their work, you should inform your line manager.
- 1.5. **Coronavirus (CV19)**

In the case that you contract coronavirus:

If you are double jabbed, have a negative test and have no symptoms of CV19 you are able to come to work.

In the case of a long period of isolation where you are symptomless but have tested positive, it is at your line manager/ headteachers discretion to set you work that you can perform at home. This will be treated as working from home and will not affect your sickness entitlement.

If you have symptoms of CV19 and have tested positive, you will not be required to work and this period will be treated as sickness absence.

## **2. Sickness absence reporting procedure**

- 2.1 If you are taken ill or injured while at work you should report or be taken to the most senior member of staff onsite/line manager and/or be given permission to go home.

2.2 If you cannot attend work because you are ill or injured you should contact your line manager/nominated person as informed by the school as early as possible and by no later than one hour before the time when you are normally expected to start work. The following details should be provided:

- a) The nature of your illness or injury;
- b) The expected length of your absence from work;
- c) Contact details;
- d) Any outstanding or urgent work that requires attention

2.3 The line manager should ensure that any sickness absence that is notified to them is recorded and reported to the relevant person/s so that they can make arrangements where necessary, to cover work and to inform colleagues and pupils (while maintaining confidentiality).

2.4 You should expect to be contacted during periods of absence by your department line manager who will want to enquire after your health and be advised, if possible, as to an expected return date.

### **3. Evidence of Incapacity**

3.1. Under the Conditions of Service for School Teachers in England and Wales (the Burgundy Book) you shall not be entitled to sick pay unless we are notified of your absence by no later than the fourth day of absence and a doctor's statement is supplied not later than the seventh day of absence and subsequent doctor's statements are submitted at the same intervals as required for D.S.S. (N.I.) purposes.

3.2. For support staff sickness absence of up to seven calendar days you must complete a self-certification form (sickness declaration) which is available from your line manager/school office.

3.3. For teacher's absence a sickness declaration form must be completed after three calendar days of absence which is available from your line manager/school office.

3.4. For absence of more than 7 days you must obtain a certificate from your doctor (a "Statement of Fitness for Work") stating that you are not fit for work and the reason(s) why. This should be forwarded to your line manager as soon as possible. If the absence continues, further medical certificates must be provided to cover the whole period of absence.

3.5. If your doctor provides a certificate stating that you "may be fit for work" you should inform your line manager immediately. Your line manager will discuss with you any additional measures that may be needed to facilitate your return to work, taking account of your doctor's advice. This may take place at a return-to-work interview. If appropriate measures cannot be taken, you will remain on sick leave and we will set a date to review the situation.

3.6. Where we are concerned about the reason for absence, or frequent short-term absence, we may require a medical certificate for each absence regardless of duration. If so, 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.

## **4. Unauthorised absence**

4.1. Cases of unauthorised absence will be dealt with under our disciplinary policy.

4.2. Absence that has not been notified according to the sickness absence reporting procedure will be treated as unauthorised absence. If your absence is unauthorised or you provide false and/or misleading information you may suffer deductions in pay, disciplinary action and/or withdrawal of your right to self-certify periods of absence.

4.3. If you do not report for work and have not telephoned as instructed in 2.2 of this policy to explain the reason for your absence, your line manager will try to contact you, by telephone and in writing if necessary. This should not be treated as a substitute for reporting sickness absence.

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

5.1 If you are absent on sick leave you should expect to be contacted from time to time by your line manager in order to discuss your wellbeing, expected length of continued absence from work and any of your work that requires attention. Such contact is intended to provide reassurance and will be kept to a reasonable minimum.

5.2 If you have any concerns while absent on sick leave, whether about the reason for your absence or your ability to return to work, you should feel free to contact your line manager at any time.

## **Medical examinations**

- 5.3 We may, at any time in operating this policy, require you to consent to a medical examination by the Trusts external occupational health.
- 5.4 . 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 HR advisers and the occupational health practitioner. If you do not agree to the examination being disclosed to us and/or with our HR advisers and/or the occupational health practitioner we will make decisions based on the information available to us.

## **Return-to-work Interviews**

- 5.5 If you have been absent on sick leave for more than 3 days your line manager will arrange for you to have a return-to-work interview with them.
- 5.6 . 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.
- 5.7 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.
- 5.8 If we have a concern regarding your fitness to return to work, you may be sent home and requested to provide a Fit Note confirming that you are fit to return. Alternatively, we may require your consent for a referral to occupational health to assess your ability to return.

## **6. Returning to work from long-term sickness absence**

- 6.1 We are committed to helping members of staff return to work from long-term sickness absence. As part of our sickness absence meetings procedure, we will, where appropriate and possible, support returns to work by:
- a) obtaining medical advice;
  - b) making reasonable adjustments to the workplace, working practices and working hours;
  - c) considering redeployment; and/or
  - d) agreeing a return-to-work programme with everyone affected.

- 6.2 If you are unable to return to work in the longer term, we will consider whether you are entitled to be considered for ill health retirement. Sickness absence meetings procedure
- 6.3 We may apply this procedure whenever we consider it necessary, including, for example, if you:
- 6.4 a) have been absent due to illness on more than one occasion in three months for a total of 5 or more days
- 6.5 b) have been absent on three different occasions during a three month
- 6.6 period;
- 6.7 c) have discussed matters at a return-to-work interview that require investigation; and/or
- 6.8 d) have been absent for more than 10 days in a rolling twelve month period.
- 6.9 Unless it is impractical to do so, we will give you 5 academy working 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.
- 6.10 The meeting will be conducted by your line manager. You may bring a companion with you to the meeting.
- 6.11 You must take all reasonable steps to attend the meeting. Failure to do so without good reason may be treated as misconduct. If you or your companion are unable to attend at the time specified you should immediately inform your line manager who will seek to agree an alternative time.
- 6.12 . 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 5 academy working 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).
- 6.13 If, at any time, your 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 policy

#### **Right to be accompanied at meetings**

- 6.14 You may bring a companion to any meeting or appeal meeting under this procedure.
- 6.15 Your companion may be either a trade union representative or a colleague. Their details must be given to the manager conducting the meeting, in good time before it takes place.

- 6.16 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.
- 6.17 We may at our discretion permit other companions (for example, a family member) where this will help overcome particular difficulties caused by a disability, or difficulty understanding English.
- 6.18 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.

## **7. Step 1 - First sickness absence meeting**

**7.1.** The purposes of a first sickness absence meeting may include:

- a) Discussing the reasons for absence;
- b) Where you are on long-term sickness absence, determining how long the absence is likely to last;
- c) Where you have been absent on a number of occasions, determining the likelihood of further absences;
- d) Considering whether medical advice is required;
- e) Considering what, if any, measures might improve your health and/or attendance;
- f) Considering whether to remove the right to self-certify absences;
- g) Setting an attendance target and a date for review

### **Step 2 - Further sickness absence meeting(s)**

7.2. Depending on the matters discussed at the first stage of the sickness absence procedure, a further meeting or meetings may be necessary. In addition to the matters which may have been considered at the first sickness absence meeting, if it is considered that you are unlikely to be able to return to work from long-term absence, we will consider whether an application for ill health retirement should be made:

7.3. For support staff, if occupational health recommends that you are eligible for retirement on the grounds of ill health; the Executive Headteacher/Headteacher will arrange a meeting to discuss this with you.

7.4. For teachers, if occupational health recommends that you are eligible for ill health retirement; we will consider submitting an application to the Teachers Pension Scheme.

7.5. If you have been issued with a warning having failed to achieve an attendance target set at a first sickness absence meeting, a further target will be set and this may include a warning that failing to achieve that target may result in dismissal.

### **Step 3 - Final sickness absence panel hearing**

7.6. If retirement on the grounds of ill health is not appropriate, and it does not look as if you will be well enough to return to work within a reasonable timeframe, or you have failed to achieve an attendance target set at a further sickness absence meeting, we may invite you to a Governor's panel hearing to consider the possibility of terminating your employment.

7.7 The panel hearing will be composed of three nominated Governors who are not members of staff. An appeals panel of three different Governors will be nominated at the same time. No Governor will be entitled to sit on either panel if they have been involved at an earlier stage of the procedure.

The purposes of the hearing will be:

- a) To review the meetings that have taken place and matters discussed with you;
- b) Where you remain on long-term sickness absence, to consider whether there have been any changes since the last meeting, either as regards your possible return to work or opportunities for return or redeployment
- c) To consider any further matters that you wish to raise;
- d) To consider whether there is a reasonable likelihood of you returning to work or achieving the desired level of attendance in a reasonable time;
- e) To consider the possible termination of your employment.

7.8. Termination will normally be with full notice or payment in lieu of notice.

## **8. Appeals**

8.1. You may appeal against the outcome of any stage of this procedure and you may bring a companion to an appeal meeting. You should appeal in writing, stating your full grounds of appeal, to the Clerk to Governors within one week of the date on which you were informed in writing of the decision.

8.2 The appeal hearing will be conducted by a panel of Governors who had not previously been involved in the case.

8.3. Unless it is not practicable, you will be given written notice of an appeal meeting within 5 academy working days of the meeting. In cases of dismissal the appeal will be held as soon as possible. Any new matters raised in an appeal may delay an appeal meeting if further investigation is required.

8.4 You will be provided with written details of any new information which comes to light before an appeal meeting. You will also be given a reasonable opportunity to consider this information before the meeting.



8.5. Depending on the circumstances, an appeal meeting may be a complete rehearing of the matter or a review of the original decision.

8.6. The final decision will be confirmed in writing, if possible within 5 academy working days of the appeal meeting. There will be no further right of appeal.

8.7 The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity or pay