

**The Heath Family Multi Academy Trust
Sickness Absence Policy**

CONTENTS

CLAUSE	PAGE
1 POLICY STATEMENT	1
2 WHO'S COVERED	1
3 PERSONNEL RESPONSIBLE	1
4 DEFINITIONS.....	1
5 GENERAL PRINCIPALS	2
6 YOUR OBLIGATIONS	2
7 SICKNESS NOTIFICATION PROCEDURE.....	3
8 BACK TO WORK PROCEDURE BASED ON GOOD PRACTICE	3
9 OCCUPATIONAL HEALTH REFERRAL.....	4
10 ABSENCE REVIEWER, FINAL ABSENCE REVIEWER AND APPEAL MANAGER.....	5
11 INTERMITTENT PERSISTENT ABSENCE	6
12 LONG TERM ABSENCE	7
13 FORMAL ABSENCE REVIEW MEETINGS	7
14 FORMAL RESPONSES	8
15 GOVERNORS PANELS	10
16 WORKPLACE COLLEAGUE	11
17 TIMING OF MEETINGS	12
18 VENUE FOR MEETINGS	12

The Heath Family Multi Academy Trust
Sickness Absence Policy

1 POLICY STATEMENT

- 1.1 This procedure is designed to establish a framework for the effective management of staff sickness absence taking into account both the welfare of employees and the requirements of the Heath Family Multi Academy Trust to deliver an effective education to its pupils. It aims to enhance the delivery of education through improved cost efficiency.
- 1.2 The Heath Family Multi Academy Trust delegate their authority in the manner set out in this procedure.
- 1.3 This policy does not form part of any employee's contract of employment and it may be amended at any time. We may also vary the procedures set out in this policy, including any time limits, as appropriate in any case.
- 1.4 For the avoidance of doubt this policy may be used concurrently with the relevant Capability Policy and the Disciplinary Policy.

2 WHO'S COVERED

This policy covers all employees at all levels and grades, including senior managers, officers, employees, trainees, part-time and fixed-term employees. It does not apply to agency staff and self-employed contractors.

3 PERSONNEL RESPONSIBLE

- 3.1 The Heath Family Multi Academy Trust has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Heath Family Multi Academy Trust has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Principal/Head Teacher.
- 3.2 The Senior Leadership Team has a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

4 DEFINITIONS

In this policy **working day** means any day on which you would ordinarily work if you were a full time employee. In other words it will be different for teaching and non-teaching staff but will not be different on the basis of whether an employee is full-time or part-time.

**The Heath Family Multi Academy Trust
Sickness Absence Policy**

5 GENERAL PRINCIPALS

- 5.1 The Heath Family Multi Academy Trust expect the [Academy/Trust/School] to:
- 5.1.1 Never ignore sickness absence
 - 5.1.2 Always monitor attendance
 - 5.1.3 Ensure that short term absences do not go unnoticed
 - 5.1.4 Take swift action if the absence is work related
 - 5.1.5 Keep accurate, up to date, employee attendance records
 - 5.1.6 Develop and maintain an atmosphere that encourages people to come to work
 - 5.1.7 Deal with each person as an individual
 - 5.1.8 Handle attendance problems promptly and sensitively, in a supportive manner
 - 5.1.9 Treat all staff fairly and consistently
 - 5.1.10 Keep governors informed about the Heath Family Multi Academy Trust's sickness absence rate

6 YOUR OBLIGATIONS

- 6.1 You are expected to:
- 6.1.1 Comply with the Heath Family Multi Academy Trust's sickness notification procedure.
 - 6.1.2 Ensure medical advice and treatment, where appropriate, is received as quickly as possible in order to facilitate a return to work
 - 6.1.3 Take and follow the medical advice and treatment offered
 - 6.1.4 Keep in regular touch (consistent with your medical condition) and inform the Principal/Head Teacher, or nominated person (or Chair of Governors or Chair/ Executive Principal of the Heath Family Multi Academy Trust in the case of a Principal/Head Teacher), of any significant developments affecting the period of absence.
 - 6.1.5 Attend medical appointments promptly.

7 SICKNESS NOTIFICATION PROCEDURE

- 7.1 You must contact the [Academy/Trust/School] in accordance with your Contract of Employment and this policy.
- 7.2 Brief details of the reason for absence and, if possible, some indication of a return to work date should be given during this contact. The position in relation to current workload should be discussed in order to help the [Academy/Trust/School] make appropriate cover arrangements.
- 7.3 If your absence is the result of an accident or an injury sustained at work, then this information must be made known. You should indicate if the incident has been reported, when it was reported and to whom.
- 7.4 If you are still unfit for work after three successive working days you must, unless already signed off by a doctor, once again contact the Principal/Head Teacher or nominated person on the fourth day as to the likely duration of the absence.
- 7.5 The Conditions of Service for Teachers in England and Wales (the Burgundy Book) stipulate that a self-certificate should be completed from not later than the fourth working day of absence.
- 7.6 A doctor's Statement of Fitness for Work must be provided by all staff where sickness absence lasts beyond 7 calendar days.
- 7.7 The doctor's statement must be forwarded to the Principal/Head Teacher, or nominated person, to reach them on or before the eighth day of absence.
- 7.8 If more than one doctor's statement is required for any period of absence, prior to the expiry or extension of the medical certificate, you must keep the Principal/Head Teacher, or nominated person, informed of developments. This is to ensure that the educational needs of the [Academy/Trust/School] are fulfilled and to give you the opportunity to indicate if there are any ways in which the [Academy/Trust/School] can support you and to give you the opportunity (if you wish it) to be kept up to date with developments in the [Academy/Trust/School].
- 7.9 The requirement for weekly contact may be relaxed by the [Academy/Trust/School] if a doctor's Statement of Fitness for Work indicates that such contact would hamper your return to work or by agreement between you and the [Academy/Trust/School].

8 BACK TO WORK DISCUSSIONS BASED ON GOOD PRACTICE

- 8.1 After **every** absence your line manager must discuss with you:

- 8.1.1 the reasons for your absence

**The Heath Family Multi Academy Trust
Sickness Absence Policy**

- 8.1.2 the appropriate notification has been completed
- 8.1.3 your fitness to work and
- 8.1.4 whether there are any issues which require particular support from the [Academy/Trust/School].

- 8.2 A record of this return to work discussion should be placed on your personnel file.
- 8.3 Your line manager may use the return to work discussion as an opportunity to bring you up to date with developments within the [Academy/Trust/School] during your absence.
- 8.4 It is anticipated that a return to work discussion would normally last between 5 to 10 minutes.
- 8.5 Because of the nature of the medical condition you may prefer not to discuss the reasons for absence with your line manager and in that case you may hold the return to work discussion with a member of the Senior Leadership Team.

9 OCCUPATIONAL HEALTH REFERRAL

- 9.1 The [Academy/Trust/School] may at any time it considers appropriate refer you to Occupational Health for an assessment of:

Your health and;
 - 9.1.1 Its impact on your attendance at [Academy/Trust/School]
 - 9.1.2 Its impact on your fitness to perform the duties required by your employment
 - 9.1.3 Its impact on your ability to attend formal meetings or interviews under any other procedure
- 9.2 What steps the [Academy/Trust/School] could take to improve your health and/or attendance

and you are expected to cooperate with such referrals.
- 9.3 If you decide not to engage with the Occupational Health referral the [Academy/Trust/School] will proceed to make decisions without the benefit of medical advice.
- 9.4 Before making any decision to dismiss on notice under this Sickness Absence Policy and Procedure the [Academy/Trust/School] will have referred you for at least one occupational health assessment.

The Heath Family Multi Academy Trust
Sickness Absence Policy

10 **ABSENCE REVIEWER, FINAL ABSENCE REVIEWER AND APPEAL MANAGER**

<i>Employee Level</i>	<i>Absence Reviewer</i>	<i>Final Absence Reviewer</i>	<i>Appeal Manager (re Written Warnings)</i>	<i>Appeal Manager (re Dismissal)</i>
Principal/Head Teacher	Chair of Governors or Chair/Executive Principal of the MAT or a non-staff Governor nominated by the Chair of Governors or Chair/Executive Principal of the MAT	[Trustee/Governor/Director]' Absence Panel appointed by the Chair of Governors or Chair/Executive Principal of the MAT	A non-staff [Trustee/Governor/Director] appointed by the Chair of Governors or Chair/Executive Principal of the MAT	[Trustee/Governor/Director]' Appeal Panel, appointed by the Chair of Governors or Chair/Executive Principal of the MAT
Other Leadership Spine	Principal/Head Teacher	Chair of Governors or Chair/Executive Principal of the MAT or a non-staff Governor nominated by the Chair of Governors or Chair/Executive Principal of the MAT	A non-staff [Trustee/Governor/Director] nominated by the Chair of Governors or Chair/Executive Principal of the MAT	[Trustee/Governor/Director]' Appeal Panel

**The Heath Family Multi Academy Trust
Sickness Absence Policy**

<i>Employee Level</i>	<i>Absence Reviewer</i>	<i>Final Absence Reviewer</i>	<i>Appeal Manager (re Written Warnings)</i>	<i>Appeal Manager (re Dismissal)</i>
Other Teaching Staff	A member of the Leadership Team (other than the Principal/Head Teacher) appointed by the Principal/Head Teacher	Principal/Head Teacher	Chair of Governors or Chair/Executive Principal of the MAT or a non-staff Governor nominated by the Chair of Governors or Chair/Executive Principal of the MAT	[Trustee/Governor/Director] Appeal Panel
Other Support Staff	A person appointed by the Principal/Head Teacher	Principal/Head Teacher	Chair of Governors or Chair/Executive Principal of the MAT or a non-staff Governor nominated by the Chair of Governors or Chair/Executive Principal of the MAT	[Trustee/Governor/Director]' Appeal Panel

11 INTERMITTENT PERSISTENT ABSENCE

11.1 Persistent intermittent sickness absence can be defined as frequent short-term absences from work that are normally sporadic and attributable to minor ailments, in many cases unconnected.

Triggers

11.2 Whilst each case of sickness absence should be considered individually, the following triggers will normally lead to a Formal Absence Review Meeting:

11.2.1 Sickness absence of 10 or more working days in any 12 month period, accrued over 3 periods of absence or more.

**The Heath Family Multi Academy Trust
Sickness Absence Policy**

- 11.2.2 Sickness absence of 6 or more days accrued over 2 or more periods in any 6 month period.
- 11.2.3 Two periods of sickness absence both lasting 4 or more days in any 12 month period.
- 11.2.4 Any levels of absence which show a trend or pattern e.g. Friday – Monday absences, monthly dates (e.g. last Friday every month) and any other notable dates.

12 LONG TERM ABSENCE

12.1 Long-term absence is where an employee is absent from work for a considerable number of weeks or months as the result of a serious health problem. It can normally be distinguished from frequent intermittent absence in that it tends to be continuous and usually can be traced to an underlying medical condition.

Trigger

12.2 An absence lasting 4 working weeks will lead to a Formal Absence Review Meeting.

13 FORMAL ABSENCE REVIEW MEETINGS

13.1 At least 5 working days before a formal Absence Review Meeting, the Absence Reviewer shall send you an Absence Report:

- 13.1.1 Setting out your absences from work indicating the reasons given for the absence.
- 13.1.2 Setting out any suggestions made by you or the [Academy/Trust/School] to make reasonable adjustments (if applicable) to working arrangements that could reduce your absence or assist your return to work.
- 13.1.3 Including copies of self-certificates, Statements of Fitness to Work from your doctor and all medical reports including those from Occupational Health.

13.2 At a formal Absence Review Meeting you will have the opportunity to:

- 13.2.1 Present any medical evidence in your possession.
- 13.2.2 Make suggestions about managing your return to work including any phased return to work or change in hours.
- 13.2.3 Make suggestions of other reasonable adjustments (if applicable) that could be made.

14 FORMAL RESPONSES

14.1 The Absence Reviewer may (in addition to making an occupational health referral) undertake the following formal responses:

14.1.1 Reasonable adjustments to working arrangements

These will vary on a case by case basis depending on the medical condition identified.

14.1.2 A First Written Warning

14.1.2.1 In the context of a persistent intermittent absence this is a warning that if you are absent from work for two or more days in the period of the next six months you will be at risk of a Final Written Warning.

14.1.2.2 In the context of a long term sickness absence this is a warning that if you are not fully back to work within between 4-12 working weeks there will be a further Formal Absence Review Meeting. The precise number of working weeks will be set by reference to the available medical evidence.

14.1.3 A Final Written Warning

14.1.3.1 In the context of a persistent intermittent absence this is a warning that if you are absent from work at all in the period of the next six months you will be at risk of a dismissal.

14.1.3.2 In the context of long term sickness absence this is a warning that if you are not fully back to work within between 4-12 working weeks you will be referred to the Final Absence Reviewer which could lead to termination of employment. The precise number of working weeks will be set by reference to the available medical evidence.

14.2 The Final Absence Reviewer may (in addition to the responses available to the Absence Reviewer) undertake the following response:

14.2.1 Dismissal with Notice

In coming to such a decision in relation to a case of persistent intermittent absence the Final Absence Reviewer will consider:

14.2.1.1 The total absence and pattern of absence

**The Heath Family Multi Academy Trust
Sickness Absence Policy**

- 14.2.1.2 The available medical prognosis
- 14.2.1.3 Advice from occupational health
- 14.2.1.4 The reasons advanced for the absence
- 14.2.1.5 How long the employee has worked for the [Academy/Trust/School]
- 14.2.1.6 Is the job a key job? If so, how long can the [Academy/Trust/School] effectively function without that contribution.
- 14.2.1.7 What additional demands has the persistent intermittent absence generated for other employees and the [Academy/Trust/School]
- 14.2.1.8 Whether other reasonable adjustments under the Equality Act have been considered
- 14.2.1.9 Whether other reasonable adjustments under the Equality Act have been made and if so whether they were effective
- 14.2.2 In **coming** to such a decision in relation to a case of long term absence the Final Absence Reviewer will consider:
 - 14.2.2.1 The available medical prognosis
 - 14.2.2.2 Advice from occupational health
 - 14.2.2.3 Is complete recovery likely and, if so, when.
 - 14.2.2.4 How long the employee has worked for the [Academy/Trust/School],
 - 14.2.2.5 Is the job a key job? If so, how long can the [Academy/Trust/School] effectively function without that contribution.
 - 14.2.2.6 What additional demands has the absence generated for other employees and the [Academy/Trust/School]
 - 14.2.2.7 Whether alternative employment or a transfer is available, suitable and acceptable
 - 14.2.2.8 Whether Ill-health retirement has been explored.

The Heath Family Multi Academy Trust
Sickness Absence Policy

14.2.2.9 Whether other reasonable adjustments under the Equality Act have been considered

14.2.2.10 Whether other reasonable adjustments under the Equality Act have been made and if so whether they were effective

14.3 You may appeal against a written warning by writing to the Clerk to Governors within 5 working days of being sent the warning.

14.4 You may appeal against a dismissal on notice by writing to the Clerk to Governors within 10 working days of being sent the notification of termination.

14.5 The fact of the appeal does not delay the commencement of any period under any warning or of any notice period.

14.6 If your contract contains a payment in lieu of notice clause the [Academy/Trust/School] may exercise that clause to bring your contract to an end with immediate effect.

14.7 Any appeal should normally be heard within 20 working days of the [Academy/Trust/School] receiving your appeal.

15 GOVERNORS PANELS

15.1 [Trustee/Governor/Director]' Absence and Appeal Panels shall comprise three non-staff [Trustee/Governor/Director]not previously involved in the matter.

15.2 In the event that there are insufficient numbers of [Trustee/Governor/Director] available to participate in a Panel, the [Chair of Governors/Chair of Trustees/Chief Executive Officer] or Vice-Chair of [Trustee/Governor/Director] as appropriate may appoint associate members.

16 WORKPLACE COLLEAGUE

16.1 If you are the subject of any formal absence review meeting, you may be accompanied by a workplace colleague who must not involved in the substance of absence issues related to you or an accredited trade union representative of a union recognised by the [Academy/Trust/School].

16.2 You must let the relevant Reviewer or Manager know who your workplace colleague will be at least one working day before the relevant meeting.

16.3 If you have any particular need, for example, a disability which causes you a substantial disadvantage, adjustments may be made to the procedure to allow you to participate and in limited circumstances this may include allowing you be accompanied by someone else other than is listed in clause 13.1.

**The Heath Family Multi Academy Trust
Sickness Absence Policy**

16.4 Your workplace colleague can address the meeting in order to:

16.4.1 put your case

16.4.2 sum up your case

16.4.3 respond on your behalf to any view expressed at the meeting.

16.4.3.1 Your workplace colleague can also confer with you during the meeting.

16.4.3.2 Your workplace colleague has no right to answer questions on your behalf, or to address the meeting if you do not wish it, or to prevent you from explaining your case.

16.4.3.3 Where you have identified your workplace colleague to the relevant Reviewer or Manager and he or she has confirmed in writing to the relevant Reviewer or Manager that they cannot attend the date or time set for the meeting, the relevant Reviewer or Manager will postpone the meeting for no more than five working days from the date set by the [Academy/Trust/School] to a date or time agreed with your workplace colleague provided that it is reasonable.

17 TIMING OF MEETINGS

17.1 Meetings under this procedure may:

17.2 need to be held when you were timetabled to teach.

17.3 exceptionally be held during planning preparation and administration time if this does not impact on lesson preparation.

17.4 be held after the end of the [Academy/Trust/School] day.

17.5 not be held on days on which you would not ordinarily work.

18 VENUE FOR MEETINGS

The relevant Reviewer or Manager can hold the meeting off the [Academy/Trust/School] site to minimise any distress to the employee.