



Managing Sickness & Supporting Attendance Policy

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Details of Policy Updates

Date	Details
June 24	Deletion of Section 11 – Fit for Work Scheme (FFWS)
	Insertion of Section 2 ‘Governors Responsibilities’

Purpose of Policy	2
1. Trustees' Responsibilities	2
2. Governors' Responsibilities	2
3. Headteacher's/Line Manager's Responsibilities	2
4. Employees' Responsibilities	3
5. Role of Human Resources (HR), Occupational Health, Health & Safety	4
6. Short-Term Absence	5
7. Long-Term Absence	5
8. Trigger Points for Management Action	5
9. Procedure	6
9a. Informal Process - Return to Work (RTW) Meeting.....	6
9b. Formal Process - Attendance Review Meetings	6
The meeting could result in one or more of the following outcomes:	6
9c. Final Attendance Review Meeting.....	7
10. Medical Redeployment.....	8
11. Phased Return to Work	8
12. Appeal Rights.....	8
13. Withdrawal of delegation.....	9
Appendix A - Equality Act (2010)	10
Definition of Disability.....	10
Managing the Attendance of Disabled Employees	11
Impairment Related Leave	11
Reasonable Adjustments.....	12
Dismissal of a Disabled person.....	12
Muscular/Skeletal/Stress/Mental Ill-Health Issues.....	13
Paid Time Off to Attend Hospital Appointments	13
Pregnancy Related Sickness	13
Absence due to Accident or Injury at Work (including work related stress).....	13
Appendix B – Return to Work Form.....	14
Appendix C - Sickness Absence Reporting Procedure	17

Purpose of Policy

The purpose of this Policy and Procedure is to create a framework of good practice in sickness absence management.

This Policy applies to all employees of North Star Academy Trust.

***Management Responsibility/Authority to Dismiss**

In a Multi-Academy Trust the overall management of the Trust is the responsibility of the Trustees. The Trustees at North Star Academy Trust have delegated the authority to dismiss to the Chief Executive Officer (CEO).

1. Trustees' Responsibilities

- ensure that there are policies in place for managing attendance fairly and consistently;
- ensure there is a procedure for reporting sickness absence;
- ensure local governors hear appeals in accordance with this policy;
- designate a Trustee to manage and monitor the CEO's absence.

2. Governors' Responsibilities

- ensure that Headteachers implement the Trusts' Managing Sickness and Supporting Attendance Policy
- ensure that staff absence reports are received from the Headteachers
- to hear appeals in accordance with this policy.

3. Headteacher/Line Manager's Responsibilities

- manage the day-to-day attendance of staff;
- implement the Trusts' Managing Sickness and Supporting Attendance Policy;
- ensure that relevant Health and Safety policies are adhered to, ensuring that relevant workplace risk assessments are undertaken and reviewed (including stress risk assessments in accordance with school policies);
- implement a clear procedure for reporting absence and bring to attention of all employees;
- maintain and agree how personal contact will be maintained with the employee throughout any further absence, retaining confidentiality;
- establish whether the employee is fit to return to work, with advice from the GP via the employee's fit note, or the fit for work service and/or occupational health.
- ensure reasonable adjustments are implemented as appropriate;
- undertake and record return to work meetings;

- seek HR and/or OH advice regarding obligations under the Equality Act 2010, disability, pregnancy or injury at work absence within the context of the procedure (see Appendix A);
- monitor and report absence from work to the Local Governing Body;
- ensure compliance with self-certification and GP fit note requirements;
- record management action taken and any discretion exercised e.g. decision to delay taking formal action;
- inform the employee of his/her right to be accompanied by a trade union representative or work colleague at formal meetings;
- refer employees for OH/counselling appointments as appropriate. Where an employee is awaiting tests or specialist appointments, consideration should be given to the timing of referrals/appointments with OH, to limit the number of appointments and associated costs;
- provide five working days' notice, in writing, of any formal meetings and confirm the outcome in writing;
- follow up and discuss referrals and medical reports with employees;
- refer stress, mental ill health, or muscular-skeletal cases to OH immediately;
- suspend sick pay if there is clear evidence that the employee is abusing the sickness scheme;
- consider carefully any GP/FFWS/OH advice and support phased returns to work wherever possible.
- where the CEO's sickness is the subject, the manager's role will be undertaken by a Trustee.

4. Employees' Responsibilities

- contact line manager or Headteacher prior to normal start time on the first day of absence to advise that they will not be in work. Continue to contact line manager or Headteacher prior to normal start time each day on the first five days of absence with an update, unless otherwise agreed with the manager;
- maintain and agree how personal contact will be maintained with the Headteacher/line manager (or other designated person) throughout any further absence;
- participate in return to work meetings with line manager to discuss absence/illness and workplace issues impacting upon his/her attendance, and reasonable adjustments to improve his/her attendance at work;
- attend appointments with OH when requested. Formal disciplinary action may be taken if employees do not comply with this request unless medically unfit to do so (confirmation will be required from the employee's GP);

- attend formal meetings. If an employee is unable to attend a formal meeting then his/her trade union representative or a work colleague may attend on his/her behalf, or the employee may submit written information;
- comply with the self/certification and sickness absence notification arrangements (otherwise sick pay may be withheld and/or disciplinary action taken);
- follow medical advice and avoid activities that may have a detrimental effect on recovery/reoccurrence.
- record all industrial injuries on the relevant accident forms for staff.

Employees are entitled to occupational sick pay if they:

- contact the school in accordance with the school's sickness absence notification scheme;
- provide GP fit notes on time;
- attend OH appointments when requested.

If an employee unreasonably refuses to attend OH appointments, decisions will be based on the information available. This could include action being taken under the formal stages of this procedure.

Occupational sick pay may be withdrawn if an employee abuses the sickness scheme, (NB statutory sick pay is still payable). Any abuse of the sickness scheme will be dealt with under the disciplinary procedure.

5. Role of Human Resources (HR), Occupational Health, Health & Safety

- the Trust's HR adviser will provide professional advice, guidance and support on the application of the procedure to the Governors, Trustees and Senior Leaders, on request;
- the Trust's Health and Safety adviser is able to provide advice and support in respect of risk assessments and accident reporting;
- the Trust's OH provider will provide advice and guidance to the ~~Headteacher~~, or line manager on fitness to undertake the role, reasonable adjustments, medical redeployment, and return to work timescales;
- for support staff OH will determine whether the employee meets the requirements of the Pensions' Regulations regarding early retirement on the grounds of medical incapability;
- OH can also advise whether or not an application to Teachers' Pension for ill health retirement is supportable, although the decision on granting ill health retirement lies with Teachers' Pensions.

6. Short-Term Absence

- the employee should phone the Headteacher or line manager every day for the first five working days of absence unless otherwise agreed;
- if the absence continues for two working weeks the Headteacher or line manager should arrange a meeting to discuss how long the absence is likely to continue, any treatment/ prognosis provided by the GP to date, whether a referral to the Trust's OH provider and/or counselling is appropriate, and any reasonable support to affect a return to work. Employees absent due to stress/mental ill health, muscular/skeletal conditions should be referred to OH.

7. Long-Term Absence

Long-term absence is any sickness lasting four weeks or more. The Headteacher, or line manager, should agree regular contact with the employee throughout the period of absence. Consideration should be given to any support or reasonable adjustments that can be made to enable the employee to return to work. This will include considering advice from the GP on the employee's fit note or the fit for work scheme.

If an employee has not been referred to OH after three to four weeks' absence, a referral should be considered.

Where an employee is unable to return to work within a reasonable timescale, the employee may be dismissed on the grounds of medical incapability. Where OH advise that the employee is unable to return to his/her post on the grounds of medical incapability the headteacher/Governors must consider the employee's continued employment at the school.

8. Trigger Points for Management Action

Where an employee's absence (including long term absence) reaches the following levels (pro rata for part-time staff):

- 5 working days' absence within the last 12 weeks (roughly 2 terms) or;
- 3 separate incidents of absence within the last 12 weeks (roughly 2 terms), or;
- 10 days within the previous 12 months.

The Headteacher/line manager will hold a formal attendance review meeting with the employee unless the Headteacher/line manager has exercised their discretion not to hold a meeting (see below).

The triggers may be adjusted for disabled employees (as a reasonable adjustment), or those who have had an industrial injury. Pregnancy related sickness should be disregarded for the purposes of the triggers.

9. Procedure

9a. Informal Process - Return to Work (RTW) Meeting

- following every absence, the headteacher or line manager should hold a return to work meeting to update the employee on workplace issues, discuss whether any reasonable adjustments are required, and discuss any other issues that may help the employee to maintain or improve his/her attendance. The Headteacher or line manager should also;
- review and discuss the employee's sickness absences over the previous 12 months, and identify whether there are any underlying conditions for which OH advice may be required, or whether any patterns of absence are apparent (e.g. Mondays/Fridays);
- in cases of long-term sickness, return to work meetings may be held before the return to work to ensure there is time to implement OH advice, reasonable adjustments etc.;

A suggested form for the school to use for this meeting is available as Appendix B.

9b. Formal Process - Attendance Review Meetings

These should take place unless a discretion has been exercised when:

- an employee has reached any of the trigger points;
- and/or when an OH report has been received;
- and/or when an employee's attendance is causing concern;
- and/or as a follow up to a previous formal review of attendance meeting (e.g. if there is insufficient improvement in attendance over the agreed review period, following a previous attendance review meeting, and/or another OH report has been received).

The employee should be given five days' notice of an attendance review meeting and is entitled to be accompanied by a trade union representative or workplace colleague. If a union representative is unavailable, then the meeting should normally be rearranged within five working days.

At these meetings, the employee's attendance record will be reviewed with the employee and there should be a discussion of any underlying reasons for the absences.

The meeting could result in one or more of the following outcomes:

- no further action;

- create a support package to assist a return to work. This could be based on (e.g. reasonable adjustments, following a discussion any comments from the GP on the employee's fit note);
- arrange a future meeting to review or allow a further period of monitoring;
- adjourn the meeting, pending further advice;
- issue a warning, which will remain current for 12 months, and set a further review date;
- suspend sick pay (as set out in the headteacher's responsibilities above);
- other action, as appropriate (the school may want to take advice from its HR adviser).

The outcome of the meeting will be followed up in writing.

9c. Final Attendance Review Meeting

This is the final stage of the procedure. It should be held when:

- there has been insufficient improvement in the employee's attendance since the previous formal attendance review meeting(s).
- OH have advised that the employee will not be able to return to work within a reasonable timescale;
- OH has recommended early retirement on the grounds of medical incapability for a member of the support staff;
- OH identify that the employee is medically unfit to undertake his/her substantive post but is well enough to undertake another role (see Medical Redeployment below).

The final review will be undertaken by the CEO (see management responsibility/authority to dismiss) or nominated governor(s). The Trust HR adviser will support the CEO or governors at the review.

The purpose of the meeting will be to review: the attendance record, up to date medical advice (from your OH provider, GP, specialists), any reasonable adjustments implemented, and to determine whether or not the employee should be dismissed on the basis of:

- medical incapability and/or;
- continuing unsatisfactory level of sickness absence;
- unreasonable refusal to consider medical redeployment.

Employees are entitled to full pay during their contractual or statutory notice.

10. Medical Redeployment

This applies where the Trusts' OH provider recommends that the employee is medically unfit (or soon will be) to undertake his/her substantive post, but may be fit to undertake an alternative role.

Where medical redeployment is advised by the Trust's OH provider, the school will attempt to redeploy to a suitable alternative post within the Trust as an alternative to dismissal, in consultation with the employee.

11. Phased Return to Work

A GP, FFWS and/or OH may recommend a phased return to work, even when an employee has been absent for a short time.

The Headteacher has discretion to agree a phased return.

If an employee has been off sick long-term, s/he may return to work on a phased basis for up to six working weeks. If a GP or FFWS recommends that the phased return should last longer than six weeks then advice should be sought from the Trust's OH and HR advisers.

During the phased return the Headteacher has discretion to determine to pay the employee for:

- the hours worked, with the remainder of his/her normal hours paid from his/her sick pay entitlement, or;
- his/her full contractual pay irrespective of the phased hours worked.

By the end of the phased return the employee should be undertaking his/her full duties and full contractual hours.

12. Appeal Rights

The employee has the right to appeal against dismissal or any absence warning given under the formal stages of this procedure.

Appeals must be submitted in writing, within five working days of receipt of the written confirmation of the warning or dismissal.

Appeals will be heard by a panel of governors.

The employee is entitled to be represented at appeal by a trade union representative or work colleague.

A Trust's HR adviser should advise the panel at any appeal.

13. Withdrawal of delegation?

In the event that the governors' delegated authority is withdrawn, this procedure will remain in place, but the decision-making authority for dismissal and any appeals against dismissal will return to the Trustees in the place of the governors.

Appendix A - Equality Act (2010)

Under the Act, it is unlawful to discriminate against a disabled person for reasons related to their disability. If an employee complains to a Tribunal that they have been unlawfully treated and this complaint is upheld, unlimited compensation can be awarded.

Definition of Disability

An employee is covered by the Equality Act 2010 if s/he has a physical or mental impairment, which has a substantial and long-term adverse effect upon his/her ability to carry out normal day to day activities. For the purposes of the Act the illness or condition is considered long term if it has lasted, or could last 12 months.

Physical impairments include some impairments that affect the senses, e.g. hearing or sight.

Some recurring conditions are covered by the Equality Act 2010, for example, some back injuries and conditions where there are periods of remission, such as multiple sclerosis, cancer.

An impairment affects a person's ability to carry out normal day-to-day activities if it affects one of the following;

- mobility;
- manual dexterity;
- physical co-ordination;
- continence;
- ability to lift, carry or otherwise move everyday objects;
- speech, hearing or eyesight;
- memory or ability to concentrate learn or understand;
- perception of risk of physical danger.

The definition of disability applies to employees with progressive conditions of HIV, multiple sclerosis and cancer from the point of diagnosis. Employees with a mental illness are also protected even if their illness is not a clinically recognised illness (e.g. stress).

Your OH provider will be able to advise whether an employee is covered by the Equality Act 2010, but ultimately it is a legal question determined by an Employment Tribunal.

Managing the Attendance of Disabled Employees

The school should:

- seek advice from its HR adviser;
- consult with the employee at an early stage and seek medical advice regarding reasonable adjustments, which may support an employee's attendance;
- implement all reasonable adjustments (see below);
- allow a reasonable monitoring period following the implementation of any reasonable adjustments;
- record absences such as impairment related leave for medical appointments and impairment related sick leave separately from non-disability related absences;
- consider whether it could be a reasonable adjustment to increase the trigger points;
- record the reasons why formal action under the Managing Sickness and Supporting Attendance Policy is necessary, if the level of absence (including disability related absences) is considered unacceptable;
- consult with the Occupational Health provider regarding the option of medical redeployment prior to any dismissal.

Impairment Related Leave

Disabled staff who come under the Equality Act 2010 definition outlined above will be able to take time off for treatment, rehabilitation or assessment concerned with their impairments e.g.

- having a hearing aid tested;
- attending training with an assistance dog;
- hospital check-ups;
- assessments e.g. dyslexia;
- counselling for someone with a mental health/emotional distress issue;
- hospital treatment as an outpatient;
- dialysis treatment;
- physiotherapy sessions.

Wherever possible, appointments should be arranged at a time, which will provide the minimum disruption to the work place. Disabled employees should request time off in writing, preferably on the attached form, which should be authorised and signed by the headteacher/line manager.

Impairment related leave should also be recorded as such on the weekly absence returns and payment will be as normal (i.e. not subject to the provisions of the sick pay scheme).

Reasonable Adjustments

Under the Act, employers have a legal duty to make “reasonable adjustments” where any aspect of working arrangements may place a disabled person at a substantial disadvantage from those who are not disabled.

A range of “reasonable adjustments” that an employer may need to make are specified by the Act. These include:

- accepting that an employee may need some absence from work;
- making adjustments to premises;
- allocating some of the disabled person’s duties to another person;
- transferring the person to fill an existing vacancy;
- adjusting working hours;
- relocation;
- giving the person, or other team members, training;
- acquiring or modifying equipment;
- modifying instructions or reference manuals;
- providing a reader or interpreter;
- modifying procedures for testing or assessment;
- ensuring adequate monitoring;
- adjusting trigger points.

Where the adjustment is “not reasonable”, the school need not carry it out. Factors to consider when determining whether an adjustment is reasonable include:

- the extent to which it is practical to make the adjustment;
- the financial and other costs incurred in making the adjustment and the extent to which it would disrupt activities;
- the extent of the school’s financial and other resources;
- the availability of financial assistance to make the adjustment.

Advice should be sought from the school’s HR adviser, before taking a view that an adjustment will not be implemented, because it is considered “not reasonable.”

Dismissal of a Disabled person

Under the Act, dismissal, including compulsory ill health retirement, of a disabled person for a reason relating to the disability needs to be justified and the reason for it has to be one, which could not be removed by any reasonable adjustment.

Muscular/Skeletal/Stress/Mental Ill-Health Issues

Employees will be referred to OH immediately for absences relating to any of the above e.g. back injuries, arthritis, rheumatism, upper limb disorder, stress and depression. Immediate referral will enable OH to quickly identify measures to support the employee and facilitate a speedy return to work.

Paid Time Off to Attend Hospital Appointments

Paid time off to attend hospital appointments (in connection with a disability) should be given unless it is unreasonable, taking into account the needs of the service. Headteachers /line managers may ask for evidence of the appointment – e.g. letter/ appointment card.

Pregnancy Related Sickness

All pregnancy related absences (this includes sickness absence as a result of a miscarriage) will be recorded in the normal manner and return to work meetings held, but are disregarded for the purpose of determining whether the employee has hit an absence trigger. If such absences become excessive, the employee can be referred to OH.

Headteachers/line managers are reminded that women have the right not be subjected to unfair treatment at work because of pregnancy or childbirth, maternity suspension on health and safety grounds, or for exercising their right to take maternity leave.

Absence due to Accident or Injury at Work (including work related stress)

Headteachers/line managers should still hold a return to work meeting with the employee. Where information has been gathered as a result of an investigation into the accident, it will be unnecessary to duplicate this at the interview. The procedures for long-term sickness absence should be followed as appropriate.

Unions recommend that their members should be accompanied by a Senior Trade Union Representative in these circumstances.

Pay during absence resulting from an industrial injury/disease should be recorded separately, as it is treated separately from an employee's sick pay entitlement.

Headteachers should also refer to employee conditions of service (e.g. Burgundy Book and Green Book) regarding sick pay and injury allowance entitlements. Advice is available from your HR adviser.

Appendix B – Return to Work Form

CONFIDENTIAL

North Star Academy

Return to Work Meeting

(To be held after every absence with every school employee)

NB form to be completed jointly by headteacher/ line manager and employee

Employee..... Post

Line Manager..... Post

Period of sickness from: to

Date of interview

Number of hours missed:.....

Reason for absence

.....

Is the reason related to any of the following (please tick):

Pregnancy*

Industrial injury *

Disability *

Stress/ Mental Ill Health*

(work-related injury)

*If so, is advice required from HR or Safety section? If absence stress-related, does a stress risk assessment need to be completed? If absence is muscular/skeletal/stress/mental ill health, is a referral to OH required?

Did employee follow sickness absence reporting procedure (i.e. inform relevant person at appropriate time) Yes/No

If “No” give details

Headteacher/manager to confirm absence recorded on weekly payroll system

Please tick one of the following:

Self-cert form supplied - 7 days or less

Fit note supplied - over 7 days

Headteacher/manager may wish to use the following as a framework for discussion (to be used as appropriate)

- Confirm employee is fit to return to work, discussing any advice provided by the GP on the fit note, or by OH
- Establish reason for absence and any underlying causes
- Establish if the employee has an impairment or disability
- Are work-related factors causing or exacerbating the illness?
- Is the illness likely to recur?

Has a trigger point been reached? If yes, please tick as appropriate:

- 5 working days' absence within the last 12 weeks (roughly 2 terms) or
- 3 separate incidents of absence within the last 12 weeks (roughly 2 terms) or
- 10 days within the previous 12 months

If yes, date when formal attendance review meeting will be held

(NB 5 working days' notice to be given in writing)

Head/line manager comments

Employee comments

Signature of manager

Signature of employee

NB Employees have no right to be accompanied by a TU rep or work colleague at a return to work meeting. HR advice is that, if an employee requests to be accompanied, this request is agreed, as it is likely to support a productive meeting.

The original of this form will be kept on employee's personal file

Copy of form to be provided to employee

Appendix C - Sickness Absence Reporting Procedure

Employees should report any sickness in accordance with the following procedure in order to claim sick pay;

DAY 1

RING SCHOOL OFFICE BEFORE 7.30am on day of absence or preceding day after 6pm if known

LEAVE MESSAGE stating:

1. Reason for absence
2. Expected length of absence

AND

Ring, email or text line manager with reasons for absence and details of where COVER work can be found. Wherever possible you should try to speak to your line manager or leave a number for your line manager to contact you.

- if absence continues, employees must contact their Headteacher/line manager every day for the first FIVE working days of sickness, unless otherwise agreed with their line manager;
- upon return to work, the employee must sign a self-certification form and a return to work form detailing the reasons for all absences up to and including seven days;
- the employee must submit a fit note (from their GP) to the Headteacher/line manager not later than the EIGHTH day of absence. Certificates arriving later than the eighth day will be investigated and appropriate action taken. Late submission of a fit note may result in occupation sick pay/ SSP being delayed because the absence has been recorded as unauthorised and unpaid;
- the employee must submit subsequent fit notes as necessary, not later than the expiry of the existing note. If certificates arrive later, this will be investigated and appropriate action taken. Late submission of a sick note may result in occupation sick pay/SSP being delayed because the absence has been recorded as unauthorised and unpaid.

Employees are entitled to claim sick pay when absent under the scheme providing they comply with the above sickness absence reporting procedure.

The employee must attend OH appointments as required. If an employee refuses to attend appointments it may result in further action being taken under the formal stages of the

Managing Attendance Policy without the benefit of up-to-date medical advice. This could include action up to and including dismissal.

If an employee fails to attend an arranged appointment, action may be taken under the disciplinary procedure.

Although statutory sick pay is still payable, occupational sick pay may be suspended if an employee abuses the sickness scheme. Abuse of the sickness scheme will also include action under the disciplinary procedure.