



**Sickness Absence  
Procedure  
1 January 2020**

## **1. Introduction:**

The Sickness Absence Procedure applies to all staff within Derby Diocesan Academy Trust (DDAT). The procedure is not contractual and may be varied by the Trust through consultation with recognised Trade Unions. It has been implemented following consultation with all recognised Trade Unions.

The main purpose of the Sickness Absence Procedure is to provide staff with an understanding of expectations and to allow school leaders a fair and consistent means of managing sickness related absence from work.

Sickness absence whilst often unavoidable, creates disruption for colleagues and pupils. DDAT is fully committed to the health and welfare of all employees and it is not the intention of this procedure to deter those who are genuinely sick from taking appropriate sick leave. It is an opportunity to facilitate a return to work as soon as appropriate and to support employees in maintaining attendance at work. Sickness absence cases will be reviewed, monitored and recorded sensitively and confidentially within this procedure.

The employee must make every effort to attend meetings within this procedure and any failure to attend, without good reason, may be treated as misconduct, under the Trust's Disciplinary Procedure. If the employee fails to attend without good reason, or if he/she is persistently unable to do so (for example for health reasons), the School/Trust may have to take a decision based on the available evidence.

## **2. Governors duties:**

This procedure should be adopted by Governors, who should also decide on the level of delegation to dismiss on the grounds of ill health. The Trust retains the right to appoint a member of the Trust to sit on any panel in relation to any hearing outlined in this process.

## **3. The right to be accompanied:**

The employee has a right to bring a companion to any meeting within the formal stages of this procedure, hearing or appeal hearing. The companion may be a Trade Union representative, a work colleague, or at the School's/Trust's discretion a friend/family member. The employee must tell their Manager/Headteacher who their chosen companion is, in good time before the meetings/hearing.

A companion is allowed reasonable time off from duties without loss of pay, however there is no obligation to act as a companion.

If the employee's chosen companion is unable to attend the scheduled meeting, the employee is entitled to propose a reasonable alternative date and time for the meeting, normally no later than 5 working days after the date and time of the original scheduled meeting. If the employee's companion will not be available for more than five working days, the School/Trust may require you to choose someone else.

An employee, companion or any other person attending a meeting under this policy must not make electronic recordings of any meetings or hearings without prior written authorisation from the Trust.

#### **4. Disabilities:**

Sickness absence may result from a disability or develop into a disability.

The Equality Act 2010 provides a single consolidated source of discrimination law and covers the disability provision.

You're disabled under the Equality Act 2010 if you have a physical or mental impairment that has a 'substantial' and 'long term' negative effect on your ability to do normal daily activities.

Managers/Headteachers and Governors have an obligation under the Equality Act 2010. The Act places a duty on the Trust and Governing Bodies not to discriminate against current employees on the grounds of disability. Schools should give consideration at each stage of the Sickness Absence Procedure as to whether there are reasonable adjustments that could be made to the requirements of the job, or practices to ensure as far as reasonably possible, that a disabled person can be supported at work or to assist them to return to work.

If you consider that you are impacted by a disability or any medical condition which affects your ability to undertake your work, you should inform your Manager/Headteacher to ensure that the right support is put in place to assist you in maintaining your attendance at work.

#### **5. Sickness absence reporting procedure:**

If you cannot attend work because you are ill or injured, you should telephone your Manager/Headteacher in accordance to the schools locally agreed Sickness Absence Reporting Procedure available at school. You should keep the School informed of ongoing absence as agreed with your Manager/Headteacher. Failure to follow such reporting procedure may result in misconduct under the Disciplinary Procedure and may result in the withdrawal of any sick pay entitlement.

#### **6. Evidence of incapacity:**

For sickness absence of up to seven consecutive calendar days you must complete a self-certification form available from School.

For sickness absence of more than a week you must obtain a certificate from your Doctor/Consultant (a Statement of Fitness for Work note) stating that you are not fit for work and the reason(s) why. This should be forwarded to your Manager/Headteacher immediately. If your absence continues, further medical certificates must be provided to cover the whole period of absence.

If your Doctor/Consultant provides a certificate stating that you "may be fit for work" you should inform your Manager/Headteacher immediately, so that consideration can be given to any additional measures that may be needed to facilitate your return to work. It may be necessary to arrange a phased return meeting or a return to work interview where appropriate.

If you are suffering from an infectious or contagious disease or illness you must not report for work without clearance from your Doctor/Consultant. You should report any contact with persons suffering

from an infectious or contagious disease to your Manager/Headteacher immediately upon becoming aware of such contact.

## **7. Partial day absences:**

If less than  $\frac{1}{4}$  of the employee's normal hours for that working day have been worked, this must be recorded as a full day of absence. If more than  $\frac{1}{4}$  of the employee's normal hours for that working day have been worked, this must be recorded as a partial day absence and the actual hours lost will be recorded on the absence return accordingly.

Individuals are responsible for determining their own fitness to attend work. It is not the role of the Headteacher to make such decisions.

## **8. Unauthorised absence:**

Absence that has not been notified according to the Sickness Absence Reporting Procedure will be treated as unauthorised absence. Cases of unauthorised absence will be dealt with under the Trust's Disciplinary Procedure.

## **9. Medical examinations:**

We may, at any time in operating this procedure, require you to attend a medical examination by a Doctor or Occupational Health Physician nominated by us at our expense. You will be asked to agree that any report produced in connection with such examination will be disclosed to us and we may discuss the contents of the report with our advisers and the relevant Occupational Health Professionals.

Where an employee refuses to attend a medical examination, he/she will be advised that a decision about their future employment may have to be made based upon the information the School/Trust already holds only.

Advice and support will be provided by HR staff following receipt of a Doctor's or Occupational Health Physician's report.

## **10. Keeping in touch:**

If you are absent on sick leave you should inform your Manager/Headteacher as set out in section 5 above and where appropriate signpost them to any work which may need to be covered by a colleague in your absence.

You should expect to be contacted from time to time during your normal working hours by your Manager/Headteacher during your absence in order to discuss your wellbeing and expected length of continued absence from work. Such contact is intended to provide reassurance.

It is expected that you will be available during your normal working hours to attend meetings in line with this procedure. If for any reason you are unavailable for a prolonged period and therefore unable to attend meetings you should inform your Manager/Headteacher, giving the reasons why.

It is good practice to agree early within the process the most appropriate method for keeping in touch and the frequency. You may wish to appoint a nominated representative or friend/family member to communicate on your behalf if you are unable to do so due to your illness.

### **11. Ill health retirement:**

Ill Health Retirement can be considered at any stage of the procedure as appropriate for an employee who is contributing to the Local Authority Pension or Teachers Pension scheme.

In cases of terminal illness with a short life expectancy where the employee has identified and confirmed their wish to apply for ill health retirement, the procedure may automatically move to the appropriate step of the procedure.

### **12. Medical suspension:**

The Trust, Headteachers and governing bodies have the power to medically suspend a teacher where they may have become medically incapable of performing teaching duties and/or their condition poses a risk to the health, safety and wellbeing of pupils or colleagues. (DfEE circular 4/99 – Physical and Mental Medical Fitness of Teachers to Teach). Suspension should only be carried out after seeking advice from an appropriately qualified medical adviser and will be on full pay.

Under regulation 7 of the Education (Health Standards) Regulations 2003, the school must give the teacher concerned the opportunity to submit medical and other evidence and to make representations. Consideration must be given to whether reasonable adjustments may enable the teacher to continue to perform effectively.

Further, the Trust retains the discretion to require any member of non-teaching staff to remain absent from work if that individual is not capable of carrying out their role.

### **13. Return to work interview:**

Following each period of absence due to sickness or injury your Manager/Headteacher will conduct a return to work interview at the earliest convenience. The meeting will explore your reasons for absence, any medical advice, any other related matters, any reasonable adjustments or additional measure that may be needed to facilitate your return to work and support future attendance at work.

#### 14. Short-Term Intermittent Sickness Absence Procedure:

The aim of this procedure is to provide employees with a clear understanding of what is deemed unacceptable absence levels to the Trust. The focus will be to promote highest possible levels of attendance and is intended to help both the individual and school establish what support is needed to maintain attendance at work.

Following any sickness absence, the School should consider whether an individual has triggered the Sickness Absence Procedure, and this should be communicated to the employee at the return to work interview.

##### Formula for Determining Absence Level Points Score

N = Number of days absent

T = The number of separate incidences of absence (times)

The trigger for initiating Absence Control Procedure is 35 points.

A score is reached by  $N \times T =$  in a 12-month rolling period from the start of the current period of absence

Examples of calculating absences for trigger purposes	Outcome
1. Absences of 4 days, 2 days, 1 day Number of days = 7 number of incidences 3  $7 \times 3 = 21$	No absence monitoring interview has been triggered.
2. Absences of 4 days, 4 days, 4 days, 4 days Number of days = 16 number of incidences 4  $16 \times 4 = 64$	Absence monitoring interview triggered
1. Absences of 1 day, 1 day, 1 day, 1 day, 1 day, 1 day Number of days = 6 number of incidences 6  $6 \times 6 = 36$	Absence monitoring interview triggered

Absences related to maternity related illnesses or absences granted through the Leave of Absence Policy will not count towards any trigger calculation.

Those employees identified as triggered will be invited to an informal Step 1 meeting by the appropriate Manager.

### **Step 1 Meeting:**

#### **Purpose:**

- Confirm accuracy of individual's absence record.
- Discuss the individual's absence record.
- Clarify the reason for each periods of absence.
- Ascertain whether or not the absences are related.
- Ascertain if the absences are work related.
- Consider any disability.
- Consider a referral to Occupational Health.
- Signpost to Mental Health First Aider if appropriate.
- Where available provide counselling support service details.
- Consider means of prevention and support.
- Consider any reasonable adjustments that could be made to aid an improved attendance record in the future.
- Confirm agreed actions, monitoring period and next steps.

#### **Next steps may include:**

- Inform the employee that his/her absence will be monitored for the next two months.
- If appropriate request the production of a NHS medical certificate from the first day of each period of sickness absence for the next two months. (Costs incurred will be reimbursed in full by the school).
- If appropriate complete a referral to Occupational Health.
- If appropriate sign post to Counselling Support Service or a Mental Health First Aider.
- Arrange any support/reasonable adjustments – and arrange to monitor and review the impact of such actions during the monitoring period.

#### **Two month monitoring period:**

**Further sickness absence of two days** following the two month monitoring period would result in the next stage of the process being triggered. A further return to work interview will be held, at which stage the employee should be informed they have triggered an informal Step 2 meeting.

**Should there be no episodes** of sickness following the two month monitoring period a review interview should be arranged at the end of the two month period to inform the employee that they have reached a satisfactory level of attendance, and to review whether the support/reasonable adjustments are still appropriate or require adjusting and if there is any additional support required.

Further, consideration may be given to a further review period to ensure that the attendance levels can be sustained and/or to allow for further support.

## Step 2 meeting:

This meeting will follow the same purpose as the above informal Step 1 meeting with the additional considerations as follows:

- Consider options of a temporary or permanent variation to contractual hours if appropriate
- Consider the possibility of redeployment in the school or Trust as appropriate
- If it is considered that the absences are not genuine, then the Trust's disciplinary procedure should be followed.

The priority of each meeting will be to identify and initiate practical steps to support the employee's sustained attendance and to set expectations for improvement.

If, therefore, the relevant level of improvement in attendance is not met following the two month review period then the procedure will move to the next step.

Step	Action	Outcome
<b>Step 1</b> – following a return to work employee has hit the trigger level	First informal meeting with Manager/Headteacher	<ul style="list-style-type: none"><li>• 2 month monitoring period</li><li>• If reached a satisfactory level of attendance process may stop or following HR advice be extended to ensure sustainability.</li><li>• Further sickness absences of 2 days following the 2 months will result in moving to Step 2.</li></ul>
<b>Step 2</b> – further instances of absence	Second informal meeting with Manager/Headteacher	<ul style="list-style-type: none"><li>• 2 month monitoring period</li><li>• If reached a satisfactory level of attendance process may stop or following HR advice it may be extended to ensure sustainability.</li><li>• Further sickness absences of 2 days following the 2 months will result in moving to Step 3.</li></ul>
<b>Step 3</b>	First formal meeting of the Headteacher or relevant SLT member, with the employee and/or their representative. The Trust HR may support at the meeting.	<ul style="list-style-type: none"><li>• 2 month monitoring period</li><li>• If reached a satisfactory level of attendance process may stop or following HR advice it may be extended to ensure sustainability. Agree appropriate programme of support for sustaining attendance.</li><li>• Further sickness absences of 2 days following the 2 months will result in moving to Step 4.</li><li>• If appropriate, suspend from duties pending full medical clearance.</li><li>• Consideration of ill health retirement.</li></ul>

		<ul style="list-style-type: none"> <li>• Issue formal warning letter.</li> </ul>
<b>Step 4</b>	Second formal meeting of the Headteacher or relevant SLT member with the employee, and/or their representative, and a representative from the Trusts HR. A representative of the Governing Body may also be invited.	<ul style="list-style-type: none"> <li>• 2 month monitoring period</li> <li>• If reached a satisfactory level of attendance process may stop or following HR advice it may be extended to ensure sustainability. Agree appropriate programme of support for sustaining attendance.</li> <li>• Further sickness absences of 2 days following the 2 months will result in moving to Step 5.</li> <li>• If appropriate, suspend from duties pending full medical clearance.</li> <li>• Consideration of ill health retirement.</li> <li>• Issue formal warning letter.</li> </ul>
<b>Step 5</b>	Third formal meeting of the Headteacher or relevant SLT member with the employee, and/or their representative, and a representative from the Trusts HR. A representative of the Governing Body may also be invited.	<ul style="list-style-type: none"> <li>• 2 month monitoring period</li> <li>• If reached a satisfactory level of attendance process may stop or following HR advice it may be extended to ensure sustainability. Agree appropriate programme of support for sustaining attendance.</li> <li>• Further sickness absences of 2 days following the 2 months will result in moving to either a repeat Step 5 or an ill health dismissal hearing.</li> <li>• If appropriate, suspend from duties pending full medical clearance.</li> <li>• Consideration of ill health retirement.</li> <li>• Issue final warning letter.</li> </ul>
<b>Ill Health Dismissal Hearing</b>	Invite to formal hearing giving at least 10 working days' notice (see Dismissal Hearing section)	<ul style="list-style-type: none"> <li>• Repeat Step 5 meeting.</li> <li>• Dismissal on the ground of ill health.</li> </ul>

If an acceptable level of attendance has been reached and the process has stopped, any further absences will trigger Step one of the process.

## 15. Long-Term Sickness Absence Procedure:

The purpose of this procedure is to ensure early intervention to allow schools to offer reasonable measures to assist a return to work at the earliest opportunity. The priority of each step is to consider supportive measures and reasonable adjustments. The Manager/Headteacher should however be mindful of its responsibilities and obligations to pupils and other staff as well as its duty to ensure the effective and efficient management of the school. If, therefore, an expected date for return and appropriate work schedule is not agreed the procedure will move to the next step.

**The purpose of both the informal and formal Meetings will be to:**

- Confirm accuracy of individual's absence record.
- Discuss the individual's absence record.
- Clarify the reason for the absence.
- Ascertain if the absence is work related.
- Consider any disability.
- Consider a referral to Occupational Health.
- Sign post to Mental Health First Aider if appropriate.
- Where available provide counselling support service details
- Ascertain a likely date of return to work, and where appropriate agreed a return to work date.
- Consider any reasonable adjustments or support that could be made to aid an earlier return to work if possible.
- Consider options of a temporary or permanent variation to contractual hours if appropriate
- Consider the possibility of redeployment in the school or Trust as appropriate.
- Confirm agreed actions, further monitoring period and next steps.

**Next steps:**

- If appropriate complete a referral to Occupational Health.
- If appropriate sign post to Counselling Support Service or a Mental Health First Aider.
- Arrange any support/reasonable adjustments – and arrange to monitor and review the impact of such actions during the monitoring period.
- If a return to work is agreed it may be necessary to arrange a phased return to work.
- If there is no likely return to work, explain the process and next step within the procedure.  
Agree date and time of next meeting.

STEP	ACTION	OUTCOME
<b>Step One</b> – Continued Absence of 1 month	First <b>informal meeting</b> with Manager/Headteacher	<ul style="list-style-type: none"><li>• Agree expected date of return, support and if appropriate reasonable adjustments.</li><li>• Agree further assessment in at least one month.</li></ul>
<b>Step Two</b> – Continues Absence of 2 months	Second <b>informal meeting</b> with Manager/Headteacher	<ul style="list-style-type: none"><li>• Agree expected date of return, support and if appropriate reasonable adjustments.</li><li>• Agree further assessment in at least one month.</li></ul>

<p><b>Step 3 –</b> Continued Absence of 3 months</p>	<p>First <b>formal meeting</b> of the Headteacher or relevant SLT member, with the employee and/or their representative. The Trust HR may support the meeting.</p>	<ul style="list-style-type: none"> <li>● Agree expected date of return, support and if appropriate reasonable adjustments.</li> <li>● If there is no likely return to work - Agree a further assessment in at least one month.</li> <li>● Consideration of ill health retirement.</li> <li>● Issue formal warning letter.</li> </ul>
<p><b>Step 4 -</b> Continued absence of at least one month since Step 3</p>	<p>Second <b>formal meeting</b> of the Headteacher or relevant SLT member with the employee, and/or their representative, and a representative from the Trusts HR. A representative of the Governing Body may also be invited.</p>	<ul style="list-style-type: none"> <li>● Agree expected date of return, support and if appropriate reasonable adjustments.</li> <li>● Agree a further assessment in at least one month.</li> <li>● Consideration of ill health retirement.</li> <li>● Issue formal warning letter if not already issued.</li> </ul>
<p><b>Step 5 –</b> Continued absence of at least one month since Step 4</p>	<p>If a formal warning was issued at the previous review this <u>may be</u> a final formal meeting of the Headteacher with the employee, their representative, and representative of the Trusts HR. A representative of the Governing Body may also be invited. In these circumstances if the absence continues, a further assessment period may not be set, and the employee may be issued with a further (final) warning letter.</p>	<ul style="list-style-type: none"> <li>● Agree expected date of return, support and if appropriate reasonable adjustments.</li> <li>● If further medical evidence is required or a return to work is likely a further assessment in at least one month (repeat Step 5).</li> <li>● Consideration of ill health retirement.</li> <li>● Issue final warning letter.</li> <li>● Inform where appropriate the case will be referred to a panel at an ill health dismissal hearing.</li> </ul>
<p><b>Ill Health Dismissal Hearing</b></p>	<p>Invite to formal hearing giving at least 10 working days' notice (see Dismissal Hearing section)</p>	<ul style="list-style-type: none"> <li>● Repeat Step 5 assessment meeting.</li> <li>● Dismissal on the ground of ill health.</li> </ul>

If upon returning to work an employee has a further episode of sickness absence within a reasonable time period, the sickness absence process will resume at the same stage they were at when they returned to work.

## **16. Dismissal Procedures:**

If the employee is an accredited TU Representative, it is necessary to discuss/inform the full-time district or area official before action is taken.

Where the case is referred for consideration of potential dismissal, advice will be sought from HR and an agreed dismissal procedure will be followed, and will include:

### **16.1. Delegation of the responsibility for hearing the case to:-**

(a) Headteachers responsibility - if the procedure so far has been conducted by another SLT member. It is advised that even where the Governing Body has decided the Headteacher will hear the case and consider the outcome, at least one Governor should be included in the process at the hearing, if dismissal is a likely outcome.

(b) Governors' Committee responsibility (normally made up of 3 independent Governors, but at least a minimum of 2) - where the Headteacher has conducted the procedure to this point. The Committee should not include any governor who has been involved in any previous stage of the procedure.

In the case of a Headteacher's sickness absence, the procedure will be managed by one nominated Governor (normally the Chair) and any potential hearing will be held by a Governors' Committee as identified in clause 16.1 (b).

### **16.2. Process:**

At least ten working days' notice will be given in writing for the ill health dismissal hearing and documentary evidence will be provided at least five working days before the hearing.

Hearing Agenda:

- The Headteacher/SLT member or nominated representative will present the case.
- The employee and/or their representative will have the opportunity to ask questions.
- The Headteacher/Governors Committee will have the opportunity to ask questions.
- The employee and/or representative will present their response.
- The SLT member/Headteacher or nominated representative will have the opportunity to ask questions.
- The Headteacher/Governors Committee will have the opportunity to ask questions.
- The SLT member/Headteacher or nominated representative will sum up.
- The employee and/or representative will sum up.
- The person presenting the case, the employee and representative will withdraw.
- The Headteacher/Committee will consider all the evidence and decide the outcome.

## **Possible outcomes:**

- i) A further review period with any appropriate warning (repeat stage 5)
- ii) Dismissal on the grounds of ill health, giving appropriate contractual notice

The outcome of the hearing and their right of appeal will be communicated to the employee within five working days of the hearing.

## **17. The Right of Appeal to remaining Governors:**

The employee must lodge an appeal within ten working days of receiving written notice of the outcome of the initial hearing and detail the grounds of the appeal.

The appeal will be heard by governors who were not members of the Governors' Committee and who have not been involved in previous stages of the procedure. At least five working days' notice, or an alternative time period if mutually agreed, will be given for the appeal hearing to be held and all documentary evidence will be provided at least five working days before the hearing.

The Headteacher/Chair of the first Committee also needs to attend the hearing in order to respond to any relevant questions.

The Governors will consider all the evidence and decide the outcome of the appeal. The options will be:

- i) To uphold the appeal and advise on a further review period with any appropriate warning.
- ii) Not to uphold the appeal and uphold the decision to dismiss the employee.

The decision of the appeal to governors will be final and communicated in writing to the employee within five working days of the hearing.

The order of business in the appeal hearing may begin with the appellant stating their case, rather than the Headteacher, depending on the grounds of the appeal.

## **18. Helpful contacts**

**Fit for Work Services (FFW)** is a government funded Occupational Health service designed to work alongside (not replace) existing Occupational Health services and employer sickness absence procedures, to assist employees return to work. More information can be found at <http://fitforwork.org/employee/>

**Mental Health First Aiders** - The Trust recognises that there are many different types of mental health disorders and that there is a growing need for mental health support within the workplace. Where reasonably possible Mental Health First Aiders will be trained within the Trust to help signpost employees