



GMAT POLICIES

Sickness and Attendance

Greater Manchester Academies Trust

Revision Information

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Equality Statement: Under the public sector equality duty (PSED), all schools/academies must have due regard to the need to eliminate discrimination, harassment and victimisation and any other conduct prohibited by the Equality Act 2010; to advance equality of opportunity between those who share a relevant protected characteristic and those who do not share it and to foster good relations across all protected characteristics. This means schools/academies must take into account equality considerations when policies are being developed, adopted and implemented. Greater Manchester Academies Trust regularly reviews all policies and procedures which are recommended to its schools to ensure compliance with education and employment legislation including the Equality Act 2010 and the PSED. Consultation with schools/academies is an important part of this review process. Headteachers, Principals and Governing Bodies are asked to contact Mr A Woolley if they believe there are any negative equality impacts in their school/academy in relation to the application of this policy/procedure.

Introduction

This policy accords with education and employment legislation including the Employment Rights Act 1996 and the Equality Act 2010. It is also consistent with the employment powers, duties and responsibilities of the Governing Body as set out in its [Articles of Government] and takes into account the obligations placed on Governing Bodies in the School Staffing (England) Regulations 2009.

This Policy and Procedure provides a framework and guidance for managers and employees at Greater Manchester Academies Trust (GMAT) in matters of managing sickness absences and improving attendance at work. The policy and procedure is supplemented by Manager's guidance notes.

This policy has been adopted by the Governing Bodies of all Greater Manchester Academies Trust school/ academies and sets out the framework within which the Governing Body's policy on attendance management will operate in order to achieve maximum benefits for pupils, parents and staff. It explains why it is necessary to adopt an attendance management policy and sets out the principles on which it is based. It describes the information about employee attendance that will be collected and under what circumstances it will be used. It emphasises that the process will be underpinned by the use of objective evidence which will be subject to review and possibly inspection. It also identifies the roles and responsibilities of the Governing Body, the Headteacher and employees which need to be clearly understood to ensure that the policy works effectively and efficiently

In the application of this policy, GMAT will be mindful of its obligations and duties under the Equality Act 2010. Reasonable adjustments will be made where required to assist an employee and/or their companion with a disability. If there are any language issues affecting an employee and/or their companion, these will be reasonably addressed so that all meetings or hearings taking place under this policy can take place fairly.

Employees Covered by this Policy and Procedure

This policy and procedure applies to all employees at Greater Manchester Academies Trust. It does not include agency or casual workers.

Throughout the procedure, reference is made to the Manager responsible for sickness absence matters. This usually refers to the absent employee's line manager at the Trust but could be another nominated manager.

General Principles

The Sickness and Attendance Procedure has been designed to support the commitment to establishing a culture of high attendance.

It is expected that attendance at work matters will form part of the normal supervision discussions between the manager and employee.

The Procedure provides information to both managers and employees on the processes and practices to be followed in connection with sickness absence from work.

The aim is for the Manager and HR officers to operate within the frameworks specified in the Procedure. Where this is not possible due to the particular circumstances of any case, it will be for the Manager/ HR officer to determine the most appropriate way forward, within the scope and spirit of the procedure.

It is accepted that there is no one best way of dealing with sickness absence from work and that it is not automatically fair to treat everyone the same. Consistency is about always taking into account factors that are relevant in any particular case.

In addition to this Policy and Procedure, the importance of maintaining low levels of sickness absence will also be demonstrated via induction, employee briefings and by working to develop other initiatives to improve the health, well-being and attendance levels of employees.

Responsibilities under the Procedures

The Employee

It is the responsibility of each employee to attend work and to make every effort to maintain a high attendance at work. If absent due to ill health employees must co-operate with management by following the appropriate Trust procedures, as outlined in this document.

Employees are required to:-

- attend work and fulfil their contractual obligations;
- comply with the School's sickness absence reporting procedure;
- take positive action to support their own health and well-being;
- inform the School/ GMAT as soon as possible of any changes in their condition that affects their ability to do their job or alters the timescales for their return to work;
- leave contact details when absent due to sickness;
- advise the School/ GMAT of any outstanding work matters;
- be available during normal working hours to meet with the Headteacher or nominated person to discuss their absence;
- share information with the School with regard to their absence;
- attend medical referrals/appointments/case conferences;
- attend Return to Work interviews (RTW's), Attendance Monitoring Review meetings (AMRs) and Attendance Management Hearings (AMHs);
- co-operate with all efforts to identify and implement reasonable adjustments;
- maintain regular contact with the School/ GMAT in addition to the submission of Fit Notes as appropriate;
- comply with safe working practices and procedures.

It is expected that employees will participate in treatment programmes, e.g. Cognitive Behaviour Therapy (CBT), Physiotherapy, etc. where it has been indicated that such programmes will improve their health.

The HR team and/or other nominated persons are responsible for monitoring, managing and controlling absence by: -

- supporting employees with their health and well-being;
- monitoring management information, identifying trends and patterns and taking appropriate action;
- exploring reasons for absence;
- maintaining regular contact with employees;
- conducting meaningful RTW interviews and AMRs without delay;
- arranging AMHs where appropriate;
- ensuring the preparation and completion of all documentation, including confirmation letters; • seeking advice where necessary;
- identifying, considering and implementing reasonable adjustments where appropriate;
- considering the benefits of a referral to an Occupational Health provider
- initiating referrals to an Occupational Health provider;
- attending case conferences and making provisions for agreed actions to be carried out;
- taking a consistent, but not necessarily uniform approach to managing absences;
- providing attendance statistics to the Governing Body each term.

The HR team must take responsibility and accept accountability for the effective and supportive management of employee attendance, in line with the guidance provided in this policy and procedure (along with support from HR and Health & Safety Advisers if needed).

The HR team will take responsibility for ensuring the employee's sickness and HR records are appropriately updated through the period of absence from the Trust.

The responsibilities of the Executive Principal and GMATs Governing Body are to:-

- creating a culture where people want to attend work;
- establish a relevant Committee structure with responsibility for attendance management of employees and identify how delegation of functions to the Headteacher will be managed;

- ensure that the School has a policy on managing attendance;
- review the policy annually;
- monitor and review overall employee attendance statistics each term;
- monitor and review employee wellbeing including that of the Headteacher;
- manage any attendance or wellbeing issue related to the Headteacher;
- ensure appropriate budget provision for supply staff and staff well-being;
- perform their statutory duties under the Health and Safety at Work Act 1974 (as amended) and in particular the Management of Health and Safety at Work Regulations 1999 (as amended);
- ensure that the Headteacher carries out his/her responsibilities to implement the policy appropriately

Trade Unions

An employee is entitled to be accompanied by a trade union (TU) representative or work colleague at any formal sickness absence meeting.

The role of the TU representative is to provide advice, guidance and support to an employee. In any case where an employee is unable to attend a formal meeting / hearing, the TU representative may attend and make representations on the employee's behalf.

Occupational Health & other Medical Professionals

The Trust may use Occupational Health and associated medical services to provide the following:

- Sickness absence referrals
- Physiotherapy
- Referrals for counselling

The Trust may refer an employee to Occupational Health in order to obtain a Medical Report. This may be appropriate, for example, when a sickness record causes concern or when medical information is needed to assist Trust management to determine the most appropriate response in any particular case.

Conduct Issues

Failure by an employee to comply with the provisions of this policy, for example by:-

- providing false information;
- failing to comply with the reporting procedure;
- failing to attend medical appointments; or
- failing to provide medical certificates when due

will be subject to a separate investigation. Where it is reasonably believed this policy has been breached a disciplinary investigation will be undertaken in line with the GMAT's Disciplinary Policy and Procedure which may result in disciplinary action being taken against the employee and may lead to a disciplinary sanction (up to and including dismissal).

Failure to comply with the provisions of this policy may also lead to loss or suspension of an employee's pay.

Policy Statement

Whilst it is accepted that an employee may sometimes need to be absent from work due to ill health, high levels of attendance are vital to achieving the effective and efficient provision of a high quality education for our students. Absence is detrimental to this provision and has a negative impact on morale and overall costs at the Trust.

GMAT, the Governing Bodies and Senior Leadership Teams will take such steps as are reasonable and practicable to reduce sickness absence. These measures will include:

- maintaining appropriate contact with employees who are absent due to ill health
- the maintenance of sickness absence records

- the use of return to work meetings
- formal discussion with employees whose absence exceeds pre-determined parameters or whose health/attendance otherwise gives cause for concern
- the proper application of the sickness absence procedures
- appropriate use of the disciplinary procedure in cases where abuse of the sickness absence / pay provisions is identified
- identifying and addressing factors in the workplace which may be affecting employee attendance
- appropriate use of Occupational Health (et al) to obtain professional medical opinion or advice
- pro-active healthcare initiative

Effective management of attendance will help to: improve the health and morale of the workforce; enhance the quality and consistency of the teaching provision; and reduce overall running costs.

The Procedure

Notification of Sickness Absence

Employees who are absent from work due to sickness or injury / accident must follow the procedure below:

1st day of Absence

All employees must contact HR on 0161 202 0161 between 07.10 and 08.15 (for further details please refer to staff handbook) on the first day of absence and report that they are unable to attend work due to sickness / injury. If you have not been able to reach HR a voicemail must be left. If for some reason a HR officer is not available, the employee shall expect a member of the HR team to telephone them at home to establish a reason for absence.

Notification should be made by the employee unless impossible due to the nature of the illness where they should arrange for someone else to call on their behalf.

In addition the employee must notify their line manager by telephone before their normal start time or as soon thereafter as possible (on the first day of absence).

The details will be recorded by a member of the HR team and placed on the employees HR record for monitoring and future reference, if needed.

The employee is expected to provide the following information:

- the date the incapacity started
- the reason for the absence
- the anticipated duration of absence
- whether the sickness absence is as a result of an accident/incident at the Trust

By 4th calendar day

If still absent the employee must again make contact with the HR team. An update of the situation must be provided to include:

- the nature of the illness
- the anticipated duration of the absence

HR will update the employee's records accordingly.

If the absence is as a result of an incident or accident at work the HR officer must notify the designated Health and Safety officer for GMAT or the Headteacher of the relevant academy, in order for appropriate H&S documents to be completed.

More than 7 days calendar days of absence

A medical certificate must be obtained and forwarded to GMATs HR department, to arrive no later than the 8th calendar day of absence. Further timely certification must then be provided for any continued absence beyond the expiry of the first Fit for Work (sick) note from the employee's GP.

A HR officer will update the employee's records accordingly.

Certification

The regulations around statutory sick payments require the timely provision of medical certificates by the employee. Failure to provide such certification may result in the absent employee receiving incorrect salary payments. In addition, consistent failure to produce certificates on time may result in salary payments being withheld by GMAT and the absence recorded as an 'unauthorised absence from work' with potential disciplinary consequences (i.e. absent from work without permission)

Contact during the Sickness Absence

GMAT requires the HR team and absent employee to maintain contact during any absence from work due to ill health.

The method of contact will be agreed between the HR team and the employee at the outset.

Contact is very important as the absent employee can often perceive lack of regular contact by an employer (particularly during a lengthy absence) as lack of care and this can prolong the absence from work.

There are instances where this can be problematic e.g. in cases of a stress/depressive illness when a feature of the condition may be the employee's wish to avoid contact. This does not mean that the contact, therefore, ceases but that the HR team takes steps to reach agreement with the employee as to how best the contact may be maintained. In exceptional circumstances, this may be via a friend or colleague, another manager at the Trust or via a TU representative.

Return to Work

Return to Work Meeting

On an employee's return to work following a period of absence due to ill health, a HR officer (or nominated person) must meet with them for a Return to Work Meeting (RTWM).

A Return to Work Meeting is most effective when conducted face to face and when the content and length of the discussion is appropriate to the particular circumstances.

The content of the RTWM will vary dependent on the individual circumstances and may include any/all of the following:

- Confirming the employee's fitness for work
- Providing work updates
- Affording an opportunity for the employee to provide any relevant information
- Establishing any medical issues which may impact on the employee's ability to maintain attendance at work
- Agreeing any appropriate support mechanisms
- Discussing ways of ensuring that an acceptable level of attendance can be maintained
- Discussing potential management action if an acceptable level of attendance is not maintained
- Discussion of the overall sickness absence record

The HR officer will record the content of the RTWM on the relevant form (see Appendix A) including any points for further action. They will share a copy of the form with the employee and place one on the employee's file.

The HR officer will also ensure that any agreed support is then provided.

Graduated Return to Work

Following a lengthy absence from school GMAT will support a gradual acclimatisation to normal hours of work / duties where it is felt appropriate (see the Manager's Guidance – Getting Employees Back to Work).

This provision, normally up to four weeks, is made on the basis that the employee is passed fit for work for their GP.

A HR officer and the employee will explore the option for a gradual return as part of their staying in contact conversations.

Pay arrangements during any graduated return period are detailed in the guidance document.

Monitoring

Informal Monitoring

GMAT, on a regular basis, will monitor employee attendance records and individual attendance at work records will form part of normal supervision and return to work discussions between HR and employees.

Formal Monitoring

Once a trigger point has been reached, a HR officer will arrange and conduct formal Reviews with the employee concerned (who may be accompanied by a work colleague or TU representative).

Only members of SLT or the HR team will conduct formal Reviews.

Trigger Points

A trigger point is an identified marker before which the formal procedures will not normally be invoked. The trigger points for any formal Reviews will normally be as follows:

Long Term Absence

- A continuous period of absence lasting three weeks or more

Frequent Short-term Absence

- A total of 10 working days (pro rata for part time employees) or any three separate periods of absence within any 12 month rolling period

Other Absence Causing Concern

Most absence problems will fall into one of these categories. There may, however, be occasions when an absence record does not fit neatly with either category but is such that it causes concern. In these circumstances, it will be for a member of the HR to determine an appropriate response (in consultation with an external HR Adviser if necessary), within the scope and spirit of these Procedures.

Managing Frequent Short-Term Absence

Review Meetings (AMR- attendance monitoring review)

The procedure for dealing with frequent short-term absence consists of a series of attendance monitoring review meetings (AMR), which, if attendance does not improve to a clearly defined standard, may ultimately lead to the termination of employment.

Communication with employee

An employee must be informed in writing of any requirement to attend a sickness absence review and given a minimum of five working days notice.

For a First Review the letter will enclose a copy of these Procedures. The letter will provide:

- The reason for/purpose of the review
- The right to be accompanied by a TU representative or work colleague
- Any copies of sickness absence information to be discussed

First Review Meeting (AMR attendance monitoring review)

Where HR convenes a Review as a result of frequent short-term absence, the aim is to:

- Identify the reason/s for the absence and to ensure that the employee is aware that the record is causing concern
- Give full consideration to any problems identified by the employee and identify possible means of support (this will depend on the problem identified but could, for example, include temporary adjustments to working arrangements, referral to special agencies, part-time work)
- Advise the employee to seek medical attention if an underlying medical problem is identified
- Set out the required improvement in attendance
- Agree a reasonable period of time over which the employee's attendance can be assessed; this is usually the pre-set trigger points
- Make clear that persistent short-term absence may put employment at risk
- Give clear indication as to next steps should the sickness record not improve to the standard required within the monitoring period

Reference will be made to any medical information already available, including fit for work notes, letters from consultants and/or specialists plus any supplied to GMAT through an occupational health provider.

Following discussion, the representative from the HR team will draft a letter confirming the content of the discussion outlining, for example,

- Any action to be taken
- Any support that has been agreed (including timescale)
- Specifying what will happen if attendance does not improve to the required standard
- The date and details of the next Review

This will be provided to the employee and any actions required will be communicated to relevant people by a member of the HR team. HR will continue to monitor the situation.

If, at any time during the monitoring period, the attendance falls below the required standard, a member of the HR team will arrange a Second Review

OR

At the end of the monitoring period, there will be a Second Review.

Second Review (AMR attendance monitoring review)

The Head of HR will re-assess the situation with the employee, based on the attendance record and any information received. Information provided by the employee (and their doctor) will be included, as will any medical reports obtained by GMAT from an occupational health provider.

Attendance has been satisfactory

If, taking all information into account, the attendance record has been assessed as satisfactory over the period of monitoring, no further action will be taken on the understanding that the improved level of attendance will be sustained. This will be confirmed to the employee in writing.

Should the employee's attendance subsequently fall below the required standard, within the following 12 months, the formal procedures will be reinstated at the Second Review stage.

Attendance has been unsatisfactory

If, taking all the information into account, the attendance record is not assessed as satisfactory over the period of monitoring, the employee will be informed that:

- The record remains unsatisfactory, that the situation is serious and could lead to the termination of employment
- That a further period of monitoring will take place, over a specified timescale and against stated improvement targets

The head of HR will provide a letter to the employee confirming the details of the discussion, any period of further monitoring, the action to be taken, any support that has been agreed and the standard of performance to be achieved.

The letter will also caution that failure to achieve the required standard may result in the termination of employment.

If, at any time during the monitoring period, the attendance falls below the required standard, the head of HR will arrange a Third Review

OR

At the end of the second monitoring period, there will be a Third Review.

Third Review (AMR attendance monitoring review)

A member of GMATs executive leadership team (Associate Vice Principal for business and operations) or Head of HR and external HR services will re-assess the position with the employee, in light of all the evidence, which may include a Medical Report obtained by GMAT

If the attendance level has improved to the required standard, the employee will be informed that there will be no further action, on the understanding that the attendance level will be maintained. Should it give cause for concern within a 12-month period, then formal procedures will be reinstated at the second review stage.

If the attendance record has not improved to the required standard HR team will inform the employee that there will be a Hearing (AMH) held in accordance with the process outlined at **Appendix B**.

The employee will be cautioned that a possible outcome of the Hearing may be the termination of their employment. The head of HR, in writing, will confirm the content of the Hearing.

Managing Long-Term Absence

The procedure for dealing with long-term absence consists of a minimum of two (maximum of three) review meetings (AMR- Attendance monitoring review) following which a decision will be made by GMAT's leaders as to the most appropriate way forward.

First Review Meeting (AMR attendance monitoring review)

At an appropriate stage, and once the trigger point has been reached, a HR officer will schedule a Review Meeting with the employee.

The employee is entitled to be accompanied by a work colleague or TU representative at any such meeting.

The individual circumstances of the case will influence the content of the discussion and there are more examples in the guidance for managers but should always include:

- the length of the current absence
- the anticipated duration of the current absence
- the content of any report from the hospital, doctors or an Trust obtained occupational health report
- any current constraints which may be preventing a return to work
- consideration of alternative employment/hours of work which may facilitate a return

At the end of the discussion, the HR officer will set a time limit following which the situation will be re-appraised.

The HR officer will explain potential outcomes, should there be no return to work or return to work within an acceptable timescale. If, following the next Review, a possible outcome is the termination of employment, this will be stated.

The HR officer will confirm in writing the details of the discussion, the action to be taken, any support that has been agreed and the date of the next Review.

Subsequent Review Meeting

As agreed, the HR officer will meet with the employee. The individual circumstances of the case will influence the content of the discussion. It will include all of the issues covered in the first Review and additional enquiries / comment as are appropriate (see guidance notes).

At the end of the discussion, the HR officer will set a time limit following which the situation will be re-appraised. The HR officer will explain potential outcomes, should there be no return to work or return to work within an acceptable timescale. If, following the next Review, a possible outcome is the termination of employment, this will be stated.

The HR officer will confirm in writing the details of the discussion, the action to be taken any support that has been agreed and the date of the next review.

In normal circumstances GMAT will seek a (further) medical report from an occupational health provider before the end of the review period.

Final Review (AMR)

The HR manager will meet with the employee and a member of SLT will also attend. The individual circumstances of the case will influence the content of that discussion but it may include any/all of the issues covered in the previous meetings.

The HR manager will review the situation in light of the discussion and the evidence to date. At this stage the following outcomes are likely:

- a. the employee returns to work in the near future
- b. alternative work is arranged which facilitates a return to work
- c. there may be short-term or longer term medically confirmed restrictions on the employees ability to do their work which can be accommodated by management and thus facilitate a successful and

sustained return to work. This may include the making of reasonable adjustments to the work or work situation

- d. the employee continues to be absent from work and may ultimately have their employment terminated. This may be with, or without, receipt of any work-related pension benefits.

In the case of a), b) or c) the situation will be managed by the appropriate member of the Trust's management team.

In the case of d), the matter will go to a Hearing.

The manager will confirm in writing the details of the discussion and the action to be taken.

At any point during the 3 stages the HR team may call upon external HR services to attend these meetings.

Attendance Management Hearing (AMH)

The HR manager will inform the employee that there will be a Hearing held in accordance with the process outlined at **Appendix B**. The employee will be cautioned that a possible outcome of the Hearing may be the termination of employment. The HR Manager will provide 10 working days written notice to the employee, of any Hearing. The letter will outline the reason for the Hearing, the employee's right to be represented and the date, time, and location.

If the original date is inconvenient the HR manager will determine an alternative date.

The employee is entitled to be accompanied or represented at a Hearing by a TU representative or a work colleague. Failure to attend the Hearing, or to be so represented will not prevent it from taking place.

The employee will be informed in writing of the outcome of the Hearing within 5 working days.

Equality Act considerations when managing short/ Long term disability related absences

If an employee's short term absences are for reasons connected to their disability, GMAT must be mindful of its obligations under the Equality Act 2010. GMAT must make reasonable adjustments to the attendance management process which may include the following:-

- agreement to a higher level of sickness absence and an adjustment to the trigger points in this procedure;
- agreement to discount certain periods of disability related absence;
- granting a period of disability leave;
- a decision not to issue an AMW ;
- an extension to the process to include a third AMR prior to holding an AMH;
- a decision that it is appropriate to deal with the employee's absence in accordance with the provisions relevant to managing long term absences.

During any AMR meetings with the employee, GMAT should: -

- identify which of the employee's absences are connected to their disability and which are not;
- review the employee's current health situation and any available medical information, including details of what medical intervention has occurred already, what is planned, by whom and expected timelines;
- discuss referral to the School's Occupational Health provider;
- establish what positive action the employee has taken to maintain their health and to improve their attendance;
- review any reasonable adjustments already put in place discussing the impact these adjustments have had and the extent to which these have improved the employee's attendance;
- discuss whether the employee's attendance levels are likely to improve in the future and whether current levels are sustainable;
- warn of possible consequences if despite all the support and adjustments provided, there has not been an acceptable improvement in the employee's attendance.

Further guidance on the School's duties in cases where there are Equality Act 2010 considerations (including examples of further reasonable adjustments) is contained in Appendix D.

III-Health Retirement

There are rare occasions when, following appropriate discussions and the receipt of medical advice GMAT, through the guidance of an occupational health adviser, may be advised that an employee is unfit for their work (or similar work) until normal retirement age.

GMAT will consider all other options, including permanent alternative offers of employment and adjustments to work, prior to any advice on ill health retirement being sought.

Terminal Illness

GMAT will deal sensitively with this situation, on an individual basis. Some employees may wish to have discussions about options, some may not. GMAT will take all reasonable steps to support the employee and their family through this difficult time.

Adjustments to Work/Redeployment

If GMAT receives medical guidance which indicates that an employee is not capable of undertaking their normal duties and responsibilities, it will always consider 'reasonable' adjustments to work or alternative employment prior to any consideration of termination of employment.

Such adjustments may be managed in a variety of ways, including changes to working hours, the working environment and will be discussed fully with the employee concerned.

GMAT will ensure managers receive appropriate specialist guidance and support in these matters, especially where the employee will have an on-going disability.

Any employee who is recognised as having a disability (and the definition is broad) has a right to have consideration given by their employer, to a "reasonable adjustment" (for additional information see the manager's guidance document).

The Trust's budget will normally meet the cost of any agreed adjustment (e.g. special equipment) although consideration of special funding may be sought from Access to Work or other such government support initiatives; and employees may be required to undertake an assessment for these agencies, as part of any funding approval.

Pregnancy

Any absence directly related to pregnancy is excluded from the formal monitoring processes connected with absence from work.

Home Visits

Home visiting is accepted practice in managing long term absences from work. GMAT will not conduct a review meeting in an employee's home without the prior knowledge and consent of the employee.

Absence Related to an Injury Sustained in the Course of Employment

Where an employee is unable to attend work as a result of an injury sustained in the course of employment which was not their fault, such absence shall not qualify as sick leave and you should not report such absence as sick leave. The health & safety officer should ensure that the necessary Health and Safety reports are completed. The employee will receive normal pay during any absence related to an injury sustained in the course of employment.

Absence Related to a Sustained Personal Injury Outside of the Course of Employment

If an employee is absent as a result of a personal injury sustained outside the course of employment from an incident which gives rise to a claim against a third party, the wages paid to the employee under GMAT's occupational sick pay scheme will be paid as a loan. Once the employee has recovered any such monies from the third party, they are required to pay back this loan or (with regard to the amount of damages recovered) an agreed amount determined after consultation between the employee and GMAT.

An employee is required to notify the HR team that the period of absence has been due to an incident that may give rise to a claim against a third party. Failure to do so may result in disciplinary action being taken against the employee, which could lead to your dismissal.

Employees on Probation

During the probation period, the employee will not have the GMAT's standard sickness absence procedures for managing long term or short term absence applied to them; as the whole probation process is concerned with monitoring an employee's capability and attendance and supporting them during the first few months of their employment.

Even though GMAT does not provide sick pay during the probation period the employee is still contractually obliged to fully comply with the reporting procedures, certification, staying in contact and return to work procedures.

Abuse of the Sickness Scheme

If a manager/ HR officer suspects that an employee is abusing the Sick Pay Scheme, then an investigation shall be undertaken in accordance with GMAT's Disciplinary Procedure. In such circumstances, the manager/ HR officer shall first discuss the matter with the Associate Vice Principal of GMAT or Headteacher. Abuse of the sick pay scheme will not be tolerated.

Record Keeping

HR must keep appropriate records of all discussions held within formal processes, including any timescales and requirements. These records will be retained on the employee's file.

Right of Appeal

The employee has the Right of Appeal against the decision to terminate their employment.

An employee wishing to appeal must write to the Chair within 10 working days of receipt of the written outcome of the Hearing, providing details of the grounds of the Appeal.

The Chair will respond in writing within 10 working days, providing details of the Appeal arrangements.

The employee may be accompanied or represented at an Appeal by a TU representative or a work colleague. Failure to attend the Appeal Hearing, or to be so represented, will not prevent it from taking place.

The Appeal Process is at Appendix C.

The outcome of the Appeal will be confirmed to the employee, in writing, within 5 working days.

Following an Appeal Hearing, there is no further internal Right of Appeal.

DISMISSAL

When it has been decided that an employee's case should be referred for an AMH and all appropriate options have been explored, including reasonable adjustments under the Equality Act 2010, the dismissal of the employee may need to be considered. When deciding whether dismissal is reasonable and appropriate, GMAT will take into account

obligations under employment law including the Employment Rights Act 1996 and the Equality Act 2010 and also the provisions of the Education (Health Standards) (England) Regulations 2009.

Management Guidance Notes

Management Guidance Notes, which include sample documentation, are available and should be read in conjunction with this policy and procedure.

Sick Pay

Greater Manchester Academies Trust provides two occupational sick pay schemes; one is for short term absences, the other for long term illnesses.

Sick pay is not an entitlement. Employees should only be off sick when genuinely ill and unable to come to work and perform their duties.

Sick pay for **short term absences** is the same number of days for all employees regardless of their length of service. It is there to support an employee who is too sick to come to work with an illness that normally requires only a few days to recover from. When an employee has exhausted their short term sick pay they will only receive statutory sick pay (in line with government guidance at that time).

The amount of sick pay an employee can receive while off with a **long term illness** is determined according to their length of service at the Trust. This sick pay does not commence until the employee has been off for more than three weeks.

To be clear, there can be a period of 2-3 weeks when the employee will only receive statutory sick pay (in line with government guidance at that time).

Summary of Sick Pay Schemes at GMAT

Any payment is dependent on:

- The employee's length of service on the first day of absence
- The amount of time the employee has had off sick in the last 12 months

Length of Service	Short Term Absence Pay (in any 12 month rolling period)	Long Term Illness Pay (in any 12 month rolling period)
First six months (probation period)	Only SSP	Only SSP
6 – 12 months	5 days full pay	Only SSP
During second year	5 days full pay	1 month full pay 1 month half
During third year	5 days full pay	2 months full pay 2 months half
During fourth year	5 days full pay	3 months full pay 3 months half
During fifth year	5 days full pay	4 months full pay 4 months half
After five years	5 days full pay	5 months full pay 5 months half

SSP = statutory sick pay

Example:

Jane started at the Trust on 1 September 2010. She was off sick from 1 July 2012 until 30 September 2012.

On 1st July 2012 she was eligible to 1 month full pay and 1 month half pay – in addition to any short term sick days; in the past 12 months Jane had taken 2 short term sick days.

Jane's pay during her period of sickness absence (01.07.2012 – 30.09.2012) would be:

- 3 days of short term sick pay
- 2 weeks and 2 days of only SSP
- 1 month on full pay
- 1 month on half pay
- 9 days on SSP only (as all occupational health payments have now been exhausted)

Regardless of the amount of sick pay received, all employees must fully comply with the Sickness and Attendance Policy (see the Intranet) and the notifications within it.

The Trust reserves the right to refuse to pay sick pay if it has reasonable cause to think that an employee is not genuinely sick, if it has cause to believe that an employee is abusing the sick pay scheme, if an employee has failed to comply with the notification requirements, or has not supplied the appropriate certification. If the sick pay scheme has been abused, disciplinary action will follow.

Occupational sick pay may be denied where an employee has: taken an unwarranted risk (out of work); been conducting themselves in a way that prejudices their recovery; or abusing alcohol, drugs or other substances.

If an employee is absent as a result of a personal injury sustained outside the course of employment from an incident which gives rise to a claim against a third party, the wages paid to the employee under the Trust's occupational sick pay scheme will be paid as a loan. Once the employee has recovered any such monies from the third party, they are required to pay back this loan or (with regard to the amount of damages recovered) an agreed amount determined after consultation between the employee and the Headteacher.

An employee is required to notify their manager that the period of absence has been due to an incident that may give rise to a claim against a third party. Failure to do so may result in disciplinary action being taken against the employee.

Extra Insurance

Employees may wish to consider whether they require additional sickness insurance cover, e.g. mortgage protection. Employees are advised to seek professional advice from a reputable financial adviser.

Appendices

Appendix A – Self Certification and Return to Work Meeting Form

EMPLOYEE

Sickness Self-Certification Form

Name:		Department:	
Job Title:		Employee No.:	

First Working Day Absent: <i>(state the time if part of a day)</i>		Last Working Day Absent: <i>(the last working day missed <u>not</u> the first day back at work)</i>	
How / when you first notified your manager:			
Reason(s) for absence: <i>(specify clearly the nature and symptoms of illness/ injury)</i>			
If this sickness absence relates to a recurring or underlying condition, please give details:			
Have you provided a medical note / fit note?	Yes / No / Not relevant		

Is this absence due to an injury at work?	Yes / No
<i>If 'yes' please complete an accident form if you have not already done so.</i>	
Is this absence due to an injury outside of work, for which a third party is responsible?	Yes / No
<i>If 'yes' your manager will explain the process re: sick pay</i>	

I declare that:	
<ul style="list-style-type: none"> • I was unfit for work and have not worked in any job during the period stated above • I understand that my data will be held electronically and manually and used to calculate sick pay and to produce sickness reports • I understand that deliberately giving false or misleading information may lead to disciplinary action. 	
Signature: (employee)	Date:

Return to Work Discussion Form

This form must be completed by the line manager (after meeting with the employee) on the employee’s return to work following ANY period of sickness absence. The employee may have a copy if they wish.

Length of absence: (number of working days or hours lost)	
Has the individual had other sickness absence in the last 12 months?	Yes / No
Has a ‘trigger point’ been reached? (see the Sickness and Attendance Policy)	Yes / No
Did the employee visit: Hospital / Doctor / Dentist / Clinic / None <i>(delete as appropriate)</i>	
Are support measures or adjustments to duties/environment/hours recommended by the GP’s fit note (or Trust’s medical advisers)?	Yes / No

Key points discussed with the employee and actions agreed:
 Check that the employee is fit to return and has the appropriate medical certificate(s); discuss relevant prior absence or underlying conditions; consider support or adjustments; provide an update on work issues. Inform the employee if the triggers have been hit and a formal meeting will take place.

I confirm that this represents an accurate record of issues discussed and actions agreed.

Signature: (employee) _____ **Date:** _____

Signature: (manager) _____ **Date:** _____

Appendix B

Conduct of Hearings

Preliminaries

The Employee will have been notified, in advance and in writing, of the details of the Hearing and the right to representation

Those present will be as follows:

The Chair (which will usually be the Principal)
(An HR Adviser to the Chair)
The Manager presenting the case
The Employee (and Representative)

Witnesses may be called and will be in the Hearing for the duration of their involvement only

The Hearing

1. The Chair will introduce all parties and outline the process. S/he will explain that the objective of the Hearing is for impartial consideration to be given to all information presented and for a decision to be made, which may include the termination of employment.
2. The Manager/HR Advisor will present the case and may call witnesses.
 - a. The Chair (and the HR Advisor) may ask questions of the Manager and any witnesses
 - b. The Employee and/or representative may ask questions of the Manager and any witnesses
3. The Employee and/or Representative may respond and may call witnesses.
 - a. The Chair (and the HR Advisor) may ask questions of the Employee and/or representative and any witnesses
 - b. The Manager may ask questions of the Employee and/or representative and any witnesses
4. The Manager may sum up
5. The Employee and/or their representative may sum up
6. All exit the room with the exception of the Chair (and the HR Advisor)
7. The Chair considers the evidence and makes a decision. During the decision-making process, the other parties may be recalled in order to provide clarification.
8. The Employee, their representative and the Manager are re-called, informed of the decision and any right of appeal (in any case where the decision involves the termination of employment).
9. The decision and the right of appeal are confirmed in writing within 5 working days of the Hearing.

Appendix C

Appeal Hearings

Preliminaries

Following receipt of any Appeal, the Employee will be notified, in advance and in writing, of the details of the Appeal Hearing and the right to representation.

No party involved in making the original decision may be invited to hear the Appeal. Those present will be as follows:

- The Appeal Officer (usually the Chair of Governors or an Appeal Panel (3 members of the Governing Body with experience of dismissal processes, with one acting as Chair)
- An HR Advisor to advise the Appeal Panel
- The Employee (and Representative)
- Management Representative (The Principal in their role as the Chair of the Hearing who made the decision to dismiss the employee)
- Witnesses may be called and will be in the Appeal Hearing for the duration of their involvement only

The Appeal Hearing

1. The Appeal Officer/ Appeal Panel Chair will introduce the parties and outline process. S/he will explain that an Appeal is an opportunity for the employee to specify the reason/s why the original decision is felt to be unfair, and to have consideration given to this information, and a decision made as to outcome.
2. The Employee and/or their representative will specify the reasons for the Appeal and may call witnesses.
3. The Appeal Officer (any Appeal Panel member) and the HR Adviser may ask questions of the Employee and/or their representative and any witnesses.
4. The Management Representative may ask questions of the employee and /or their representative and any witnesses
5. The Management Representative responds, giving the reasons for the original decision, and may call witnesses.
6. The Appeal Officer (any Appeal Panel member) and the HR Adviser may ask questions of the Management Representative and any witnesses
7. The Employee and/or their representative may ask questions of the Management Representative and any witnesses
8. The Management Representative will sum up
9. The Employee and/or their representative will sum up
10. All exit the room with the exception of the Appeal Officer (or Appeal Panel) and the HR Adviser. The Appeal Officer (or Appeal Panel) considers all the evidence and makes a decision. During the decision-making process, the other parties may be recalled in order to provide clarification.
11. The Employee and their representative and the Management Representative are recalled and informed of the decision.

The decision is confirmed in writing within 5 working days. There is no further right of appeal.

Appendix D

GUIDE TO DISABILITY DISCRIMINATION PROVISIONS UNDER EQUALITY ACT

The Equality Act 2010 (the Act) protects individuals with protected characteristics from discrimination. Disability is a protected characteristic under the Act. Discrimination may take various forms and includes direct discrimination, indirect discrimination, harassment and victimisation and in the case of people with a disability, also includes discrimination arising from a disability and a failure to make reasonable adjustments.

This means that in the application of this policy, both in respect of short term and long term absences, schools must not treat an employee with a disability less favourably than they treat or would treat someone else without a disability. It also means that if the application of this policy is more likely to have an adverse effect on employees with a disability compared to employees who do not have a disability, schools must ensure they can objectively justify their actions and responses by showing that they are appropriate and necessary, for legitimate reasons and they are a proportionate means of achieving a legitimate aim.

Provisions under S15 of the Act which relate specifically to people with a disability, also mean an employee with a disability must not be treated unfavourably because of something connected to their disability unless a school can show it can objectively justify its actions or responses. This means schools must show their actions are appropriate and necessary, for legitimate reasons and are a proportionate means of achieving a legitimate aim.

Schools also have a duty to make reasonable adjustments under the Act. This means where an employee is placed at a substantial disadvantage compared to other members of staff who are not disabled, schools have a duty to take reasonable steps to try and avoid that disadvantage. Schools are not required to take steps that are unreasonable however and in deciding whether an adjustment is reasonable, the following factors will be taken into account;- the size and resources a school has, practicability, health and safety, how effective the adjustment will be, the interests of others and the extent of any disruption and cost.

There are three elements to the duty to make reasonable adjustments - changing how things are done, changing physical features of a school and providing extra equipment (auxiliary aids and services). Examples of reasonable adjustments which may be considered by a school when managing employees under this policy are set out below.

The Public Sector Equality Duty (PSED) detailed in S149 of the Act means that when making decisions and when applying policies schools have a duty to consider how their actions may affect people with protected characteristics. The duty has three parts 23 meaning schools must have due regard to the need to eliminate unlawful discrimination; to advance equality of opportunity between people who share a protected characteristic and those who do not and to foster good relations across all protected characteristics. Schools must take their PSED into account in the application of this policy and when making decisions relating to/following AMRs and AMHs in respect of employees with a disability.

DEFINITION OF DISABILITY

A person has a disability under the Act if:-

- they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to perform normal day-to-day activities.

For the purposes of the Act, these words have the following meanings: -

- 'substantial' - more than minor or trivial.
- 'long-term' - the effect of the impairment must have lasted or is likely to last for at least twelve months (n/b there are special rules covering recurring or fluctuating conditions).
- 'normal day-to-day activities' - includes everyday things like eating, washing, walking going shopping, reading, writing, having a conversation, moving around, going outdoors unaccompanied, having the ability to follow instructions and carry out general work activities.

There are some conditions that are automatically counted as a disability under the Act and there are some conditions that are excluded. There are some conditions that might be regarded as a disability depending upon whether the above definition is satisfied.

Note - The definition of a disability is a legal not a medical issue. Medical evidence is still highly relevant however and will always be important in considerations around reasonable adjustments. Medical opinion must be taken into account by schools in meetings and hearings and will be particularly important in hearings where the dismissal of an employee is being considered.

EXAMPLES OF REASONABLE ADJUSTMENTS

Examples of reasonable adjustments during the attendance management process:-

- modifying the triggers when reviewing an employee's record of absence;
- discounting certain periods of absence related to an employee's disability;
- adjusting working arrangements;
- altering working hours; • providing extra breaks;
- changing work location; 24
- changing duties or reallocating tasks;
- adjusting an employee's physical environment/premises;
- providing a car parking space closer to school;
- acquiring or modifying equipment such as a special chair or an adapted keyboard;
- providing appropriate training or modifying instructions or reference manuals;
- providing supervision;
- authorising absence for medical appointments, assessment, treatment, counselling or rehabilitation activities;
- allowing a period of disability leave.

A reasonable adjustment may also involve transferring the employee to fill a suitable existing vacant post. It will be necessary to obtain advice from the School's Occupational Health provider regarding the tasks which the employee is capable of undertaking and in all such cases advice should also be sought from One Education's HR and People service. Any transfer will also require the School to obtain the employee's agreement. All decisions taken with regard to determining whether the School considers an adjustment is reasonable or not must be documented. The rationale for reaching such decisions should also be documented.