

# East Midlands Academy Trust

## Absence & Time Off Policy

**'Every child deserves to be the best they can be'**

Scope: East Midlands Academy Trust & Academies within the Trust	
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Feb 2025 v2	C Rees	Revision of special leave entitlements. Consistency of term 'colleague'.
March 2024 v1	C Rees / A Holton	New Policy combining Sickness Absence and Special Leave policies and expanded to cover all types of absence Changed reference from HR to People & Culture Team Removed EAP provider as changing provider shortly Changed level of warnings to be consistent with Disciplinary

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## 1 Introduction

- 1.1 EMAT is committed to creating a positive working environment and a culture where colleagues feel engaged in achieving the Trust's vision and purpose – 'Every child deserves to be the best they can be'. Colleague absences can have an adverse impact on colleagues, pupils, workloads and service delivery.
- 1.2 The Trust expects all its colleagues to provide an effective and reliable service, and this contribution is valued; it recognises that a certain level of absence due to sickness is unavoidable. Colleagues who are absent from work due to sickness need to be treated with consideration and respect and supported as appropriate both whilst absent and upon returning.
- 1.3 Sickness absence can vary from short intermittent periods of ill-health to a continuous period of long-term absence and have a number of different causes (for example, injuries, recurring conditions, or a serious illness requiring lengthy treatment).
- 1.4 This policy does not form part of any colleague's contract of employment, and it may be amended at any time. We may also vary the procedures set out in this policy, including any time limits, as appropriate in any case.
- 1.6 As part of the application of this policy, EMAT will collect, process and store personal data and special categories of data in accordance with our data protection policy. We will comply with the requirements of the prevailing legislation.
- 1.7 This policy sets out procedures for reporting and managing sickness absence in a fair and consistent way.
- 1.8 EMAT recognises that at some stages during the working life colleagues may need to take time off to fulfil personal commitments and acknowledges that colleagues also have certain statutory rights in respect of time off from work. Our approach to these is included within this policy.

## 2 Scope and Purpose

- 2.1 This policy covers all colleagues at all levels and grades regardless of status.
- 2.2 The purpose of the policy is to ensure that staff understand the expectations of the Trust in terms of attendance at work and to provide a clear understanding of the circumstances in which they may apply for special leave. In applying this policy, we aim to ensure that attendance is managed appropriately and consistently and that colleagues receive relevant support.
- 2.3 Good attendance is recognised and valued by the Trust and open communication between Line Manager and team members is encouraged. This procedure is designed to be proactive and supportive in managing sickness absence and other leave.
- 2.4 The People & Culture team may be contacted to support the management of staff absence and complex situations.
- 2.5 Applications for leave will not automatically be granted and the Line Manager with the People & Culture Team will decide based on the circumstances, subject to the operational needs of the school or Pyramus House.
- 2.6 Time off for dependents (whether paid or unpaid) will be granted in accordance with relevant legislation and/or at the discretion of the Trust and is not an automatic entitlement.
- 2.7 It is expected that requests will only be made for leave of absence in term time once all alternatives have been considered.

### 3 Definitions

- 3.1 Throughout this policy, reference is made to the Line Manager as the manager responsible for dealing with absence issues. In some situations, line managers other than Headteacher may have delegated responsibility for significant elements of the day-to-day management of absent colleagues. Equally where the Deputy CEO or Headteacher is the colleague with health issues, the CEO will undertake the manager role, and Chair of Trustees will perform the manager role for CEO absence.
- 3.2 In the cases of sickness absence arising in respect of a centrally employed member of staff, all references to Line Manager in this procedure shall refer to the relevant line manager/head of department.
- 3.3 Short-term sickness absence - any absence which is frequent, intermittent sickness for periods of less than two weeks, e.g., where absence is intermittent such as one or two (or more) days a month.
- 3.4 Long term sickness absence - any absence that lasts for a continuous period of longer than 2 weeks.
- 3.5 Companion refers to a person chosen by the colleague to accompany him/her, who shall be an official trade union representative or workplace colleague.
- 3.6 'Close relatives' or 'immediate family' are defined as spouse, partner, children, parents, grandparents, sister/brother, parents-in-law and those of partner or next of kin. This also includes stepchildren, foster, and adopted children/parents. Consideration will be given to other individuals not mentioned above on a case-by case basis. 'Dependant' refers to family members for whom the member of staff is the primary carer.
- 3.7 A 'year' refers to a 12 month rolling period.

### 4 Disabilities

- 4.1 We are aware that sickness absence may result from a disability. At each stage of the sickness absence meetings procedure, particular consideration will be given to whether there are reasonable adjustments that could be made to the requirements of a job or other aspects of working arrangements that will provide support at work and/or assist a return to work.
- 4.2 If you consider that you are affected by a disability or any medical condition which affects your ability to undertake your work, you should inform your Line Manager or The People & Culture Team.

### 5 Confidentiality

- 5.1 Information about sickness absence will be handled carefully and in accordance with General Data Protection Regulations 2018 to ensure that sensitive details remain confidential. Information about sickness will be made available to those managing absences such as the People and Culture team and Line Managers but will not be disclosed to anyone else outside of the absence management process.

### 6 Roles and Responsibilities

- 6.1 The Trust is responsible for maintaining a fair, consistent, and objective procedure for matters relating to sickness absence.

- 6.2 The Trust is responsible for the management of the policy. This includes:
- 6.2.1 Developing a culture where colleagues are supported and assisted in achieving acceptable levels of attendance.
  - 6.2.2 Communicating the policy and procedure
  - 6.2.3 Ensuring that every effort is made to achieve full attendance
- 6.3 Colleagues need to understand their role in developing and supporting a culture of high attendance at work by:
- 6.3.1 Attending work unless unfit to do so
  - 6.3.2 Following the sickness absence notification and certification procedure as failure to do so could result in disciplinary action being taken
  - 6.3.3 Maintaining reasonable contact with the Line Manager during periods of absence
  - 6.3.4 Attending occupational health appointments if referred and
  - 6.3.5 Advising the Line Manager if their contact details change.
- 6.4 EMAT has a duty of care to all its colleagues and may decide to involve Occupational Health or request a doctor's note at any point where there is cause for concern regarding absence.
- 6.5 The Line Manager is responsible overall for the day-to-day management of team members sickness absence and time off by:
- 6.5.1 Monitoring attendance and updating relevant systems when colleagues are absent in order to maintain cover and a quality service.
  - 6.5.2 Ensure colleagues follow the correct notification procedure and act where necessary if the colleague fails to do so
  - 6.5.3 Ensure, as far as is reasonably practical, the health, safety, and welfare of all colleagues at work
  - 6.5.4 Ensure consistency of application of this policy
  - 6.5.5 Adopt a fair and consistent approach to absence management, considering the needs of the school/Trust, reasons for absence and the individual's attendance record
  - 6.5.6 Complete return to work interviews as soon as possible upon return – ideally the first day back – and complete relevant paperwork ensuring correctly filed
  - 6.5.7 Take appropriate action when attendance and/or reporting is unsatisfactory
  - 6.5.8 Promote Employee Assistance Programme (EAP) well-being services for early intervention and in order to improve attendance (**Appendix 3**)
  - 6.5.9 Only approve requests for leave of absence from staff who are employed on a term time only basis in accordance with the guidance provided within this document.
  - 6.6.10 Approve/decline all requests with regard to setting a Trust-wide precedent and seek The People & Culture intervention as necessary.
  - 6.6.11 Make decisions about requests for leave in accordance with this policy and the operational requirements of the academy.
- 6.6 The Operations Manager/School Business Manager will record all absences on the relevant system, communicate information about absence in a timely manner to payroll; and complete all information relating to sickness in employee's personnel file and follow-up absence, as and when appropriate.

- 6.7 All requests for leave require as much notice as possible in order that full consideration can be given and the operational needs of the school will be paramount – consideration will be given in emergency situations. Each case will be judged on its own merits and circumstances and the granting of time off in one situation will not necessarily set a precedent for others.
- 6.8 If a colleague is found to be abusing this policy, they may be subject to disciplinary procedures, using EMAT'S Disciplinary & Capability Policy. Such abuse may be considered gross misconduct and lead to dismissal including:
- 6.8.1 making a false claim of incapacity for work due to sickness
  - 6.8.2 altering the content of medical certificates
  - 6.8.3 carrying out other employment whilst on sick leave without permission
  - 6.8.4 fabricating emergency leave - family members or other leave as listed in special leave

Absence not reported using the correct procedure will be treated as unauthorised.

## 7 Sickness Absence Reporting Procedure

- 7.1 All colleagues are required to follow the reporting procedure set out below and failure to do so could result in disciplinary action:
- 7.2 **Day 1 and Day 2** – colleagues must personally telephone the Line Manager to report sickness/absence by 7.15am. For Headteachers the CEO and People & Culture Team should be notified. Colleagues must provide the following information:
- Reason for absence
  - Likely duration and expected date of return
- 7.3 The following are not appropriate ways for colleagues to notify the Line Manager for their absence:
- Messaging (e.g. SMS text)
  - Email
  - Social networking sites
  - Via another colleague

Should the Line Manager not be available, colleagues must advise the person taking the call they are unable to attend work and if the absence is particularly sensitive, the colleague can ask for the Line Manager to call them back or alternatively contact a member of the People & Culture team.

If the colleague is not able to notify the Line Manager personally, they must nominate someone to make contact on their behalf. However, this will be in exceptional circumstances only. Clear reasons for this should be given by the individual who is reporting the absence.

- 7.4 **Day 3 (3<sup>rd</sup> calendar day of sickness absence)** - Colleagues must contact their Line Manager again to report continued absence.

An indication, where possible, should be given as to the expected date of return to work.

Colleagues should provide a self-certification or fit note (**Appendix 1**) within this time period as failure to do so will result in the colleague not being paid any relevant amounts for that absence. The colleague should continue to call in every day and follow the above.

- 7.5 **Day 8 (8th calendar day of sickness absence)** - Colleagues must contact their Line Manager to report that they are still absent from work due to sickness. Colleagues should confirm they have obtained a 'fit note' from their General Practitioner (GP) or that they have arranged to do so. The fit note must be sent to the school/Trust by the 9<sup>th</sup> calendar day.
- 7.6 **Over 8 days' absence** – colleagues must contact their Line Manager towards the end of their current 'fit note' to report an indication of returning to work, or whether the absence is likely to be extended, subject to review by their GP.
- 7.7 All extended 'fit notes' must be sent to the school/Trust in a timely manner. Where there is a delay, without good reason, the Line Manager will treat this as a breach of procedure (unauthorised absence) which will affect pay and could lead to disciplinary action.
- 7.8 If a colleague provides false evidence or if an absence is not notified, or a valid reason for absence is not given, it will be dealt with through the EMAT Disciplinary Procedure.
- 7.9 If you are taken ill or injured while at work, you should report this to Line Manager or local Health and Safety representative.
- 7.10 You should expect to be contacted during your absence by your line manager or a member of the People and Culture Team who will want to enquire about your health and be advised, if possible, as to your expected return date. This is also an opportunity to raise any concerns or questions although you are free to contact your line manager at any point to do this.
- 7.11 The disciplinary procedure may be invoked for failing to properly report or update on your absence and will be followed during your absence.

## 8 Certification

- 8.1 For sickness absence of up to 7 calendar days you must complete a self-certificate form which is available from your line manager and should be submitted within the first 3 days of absence.
- 8.2 Appropriate certificate must be provided for the entire period of sickness absence. If the colleague is off work for more than 7 calendar days, they will need to provide evidence that they are or were ill via a Statement of Fitness for Work or 'Fit note'. Table 1 details the certificate requirements.

Length of absence	Type of certificate	When to submit	Who to submit to
7 calendar days or less	Self-Certificate (Attached as part of the Return Work Form)	As soon as reasonably practicable but no later than 3 days into absence	Line Manager or nominated person
More than 7 calendar days	Medical or GP certificate	As soon as reasonably practicable or by the 9 <sup>th</sup> day of absence and within 3 days of expiry date of last certificate	Line Manager or nominated person

Table 1: certificate requirements

## 9 Fit Notes

9.1 If the GP provides a 'fit note' stating that the colleague 'may be fit for work' and provides comments the colleague should inform their Line Manager immediately. The advice on the note will be discussed together with additional measures that may be needed to facilitate the colleague's return to work, considering the GP's advice and especially following a long period of absence. Consideration will be given as to how the advice impacts the colleague, the job, workplace, service delivery, pupils and colleagues. The GP's comments, any return to work tick boxes, and any other action that could facilitate a return to work will be discussed with due regards to the Equality Act 2010. Where relevant we will obtain medical advice and then options may include:

- A phased return to work as recommended and should be no longer than 4 weeks
- Altered or amended hours
- Adapted workplace where possible/making reasonable adjustments
- Potential redeployment

If a return to work is possible, the agreed action plan will be documented and implemented. If a phased return is agreed, in most cases colleagues will receive full pay depending on circumstances. If you are on a phased return depending on your sick pay status, you will not be paid for the days you do not work and will be paid SSP. Any phased return needs to be approved by People & Culture team.

We will consider the recommendations from the GP, but the recommendations may not be practicable/possible to accommodate and due consideration will be given to this advice.

9.2 Depending on your terms and conditions where a colleague is absent immediately prior to a school closure period ongoing sickness may or may not continue through the school closure period.

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

## 10 Time Off to Attend Medical Appointments

10.1 Appointments should be made, where possible, outside of normal working hours.

10.2 The Trust may make an exception if the circumstances require the colleague to attend appointments during working hours, but this must be supported by an appointment card or letter and will be at the discretion of the Trust, the People & Culture Team will need to be consulted.

10.3 Time off for appointments will not be recorded as sickness absence. However, should appointments prevent a return to work, this time will be classed as sickness absence only from the time at which they expected to return to work.

## 11 Sick Pay

11.1 You should refer to your terms of employment for details of your benefits.

11.2 Failure to properly report your absence or to provide medical or self-certification could lead to your pay being suspended.

## 12 Sickness during Holidays

12.1 If all year-round colleagues are sick whilst taking annual leave, the absence will be classified as sickness subject to the following criteria:

- Where possible, the Line Manager must be informed at the time of the sickness following the correct notification procedure as outlined above and not after the period of annual leave; and
- A doctor's medical certificate must be produced to cover the period of annual leave concerned.
- Should a colleague wish to reclaim part of their annual leave because they were sick, medical evidence will be required.

## 13 Medical examinations

13.1 To ensure appropriate support is available during a period of sickness absence, the Line Manager (in conjunction with The People & Culture Team) will consider referring a colleague to occupational health.

13.2 You will be asked to agree that any report produced may be disclosed to us and that we may discuss the contents of the report with our advisers and the relevant doctor ensuring all legislation relating to medical reports is complied with.

13.3 Failure to agree to a reasonable request may result in decisions being made in the absence of any medical information. In some circumstances disciplinary action may be taken where you do not cooperate with the sickness absence process.

13.4 In the event of a difference of opinion between a colleague's GP and the Trust's occupational health advisors, regarding a colleague's fitness for work, functional capacity or the existence of an underlying medical condition contributing towards persistent absences, the OH advisor's advice will normally take precedence. In some cases, an independent medical advisor may be asked to give a second opinion.

13.5 In cases of pre-planned absence (i.e., planned surgery for medical reasons), it may be appropriate to book an occupational health appointment in advance to provide support at the earliest opportunity. If an occupational health clinician needs further additional information, they may need to approach the colleague's GP or health professional for clarification and advice.

## 14 Return-to-work interviews

14.1 Colleagues must have completed the Self-certification form and on return to work following sickness must attend a Return-to-work meeting with their line manager and complete the Return-to-Work Form together (**Appendix 2**).

14.2 The Line Manager will hold a return-to-work discussion with a colleague after every period of absence, no matter how short. This is to check on the colleague's wellbeing and ensure that the colleague is fit to return to work, to ask if the Trust needs to take any action to aid the return to work, as well as to ensure that the relevant certification has been received/completed. A return-to-work interview enables us to confirm the details of your absence. It also gives you the opportunity to raise any concerns or questions you may have, and to bring any relevant matters to our attention. The information collated will be used for absence management and monitoring purposes and documented in your file.

## 15 Stress Related Absence

The Line Manager should contact The People & Culture Team for advice the moment they become aware that a colleague's absence may be as a result of stress, regardless of whether this is related to work or personal factors.

- It is important that medical advice is sought as early into the absence as possible to ensure the well-being of the colleague.
- A review meeting should be arranged with the colleague as soon as the Line Manager is aware that the absence is a result of stress.
- Line Managers should not wait for the absence to become a long term (e.g., 2 or 4 weeks) before arranging this meeting, as identifying the cause early may help resolve the absence before it becomes protracted.
- In the case of work-related stress, a stress risk assessment should be conducted as part of this review to help identify areas of concern. [Risk assessment: Template and examples - HSE](#)
- The Trust reserves the right to move to Stage 3: Final sickness absence review procedure as set out in Section 24 should it become clear that the colleague is no longer capable to carry out the duties for which they are employed.

## 16 Work Related Illness and Accidents

- 16.1 When an accident or injury occurs at work, it should be reported to the Line Manager at the time of occurrence or at the earliest opportunity. Either the injured person should complete the accident form, which the Line Manager should countersign, or the Line Manager should complete the form, which should be checked by the colleague at the first available opportunity.
- 16.2 It is important that the Line Manager checks that workplace accident records are up to date and accurate.
- 16.3 Accidents that result in seven days or more sickness absence due to an incident or injury at work must be reported to the Health and Safety Executive via a [Reporting of Injuries, Diseases or Dangerous Occurrences Regulations](#) (RIDDOR) form.

## 17 Absence Triggers

- 17.1 In most cases, an informal discussion at a return-to-work meeting will suffice and the level of attendance is expected to improve. However, in some circumstances the formal procedure will be invoked.
- 17.2 You should expect sickness management procedures to be invoked whenever you meet any of the following triggers:
- 17.2.1 3 separate instances of absences of any length, within any six-month period;
  - 17.2.2 A total of 10 or more days' absence within any six-month period;
  - 17.2.3 Any other pattern that causes concern or
  - 17.2.4 Where the Line Manager considers that the colleague's absence is having a significant impact on service.
- 17.3 For colleagues working part-time, the triggers above will be pro rata for the purposes of the management action.

- 17.4 Consideration will be given to adjusting triggers for colleagues with disabilities. Pregnancy related absences will not normally be considered for triggers. However, it will still be necessary to meet with you to discuss the reasons for your absence and to ensure your well-being as part of the return-to-work process.

## **18 Sickness absence meetings procedure**

- 18.1 We may apply this procedure whenever we consider it necessary, including, for example, if you:

18.1.1 Have been absent due to illness on a number of occasions in line with the above triggers.

18.1.2 Have discussed matters at a return-to-work interview that require investigation;

- 18.2 Unless it is impractical to do so, we will give you 48 hours written notice of the date, time and place of a formal sickness absence meeting. We will put any concerns about your sickness absence and the basis for those concerns in writing or otherwise advise why the meeting is being called. A reasonable opportunity for you to consider this information before a meeting will be provided.

- 18.3 The meeting will be conducted by your Line Manager who may be accompanied by a notetaker. A sickness absence meeting record will be completed and filed (**Appendix 4**).

- 18.4 You must take all reasonable steps to attend a meeting. Failure to do so without good reason may be treated as misconduct. If you or your companion are unable to attend at the time specified, you should immediately inform your Line Manager who will seek to agree an alternative time.

- 18.5 A meeting may be adjourned if your Line Manager is awaiting receipt of information, needs to gather any further information or consider matters discussed at a previous meeting. You will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.

- 18.6 Confirmation of any decision made at a meeting, the reasons for it, and of the right of appeal will be given to you in writing within five days of a sickness absence meeting (unless this time scale is not practicable, in which case it will be provided as soon as is practicable).

- 18.7 Formal warnings issued for sickness will remain live for a period of 6 – 9 months, dependent on the level of sanction, from the date of issue, during which time further absences would be dealt with either at the next stage of the procedure or by an extension of the current live warning. If further absences occur shortly after the end of the live warning period (or any extended warning), we reserve the right to deal with the matter at the same stage of the procedure and not return to an earlier stage.

- 18.8 If, at any time, your Line Manager considers that you have taken or are taking sickness absence when you are not unwell, they may refer matters to be dealt with under our Disciplinary Procedure.

## **19 Right to be accompanied at Meetings**

- 19.1 You may bring a companion to any formal meeting or appeal meeting under this procedure.

- 19.2 Your companion may be either an official trade union representative or a work colleague. You should provide their details to your Line Manager or the People & Culture Team conducting the meeting, in good time before it takes place.

- 19.3 Colleagues are allowed reasonable time off from duties without loss of pay to act as a companion. However, they are not obliged to act as a companion and may decline a request if they so wish.
- 19.4 We may at our discretion permit other companions (for example family members) where this will help overcome particular difficulties caused by a disability or difficulty understanding English.
- 19.5 Some companions may not be allowed: for example, anyone who may have a conflict of interest, or whose presence may prejudice a meeting.
- 19.6 A companion may make representations, ask questions, and sum up your position, but will not be allowed to answer questions on your behalf. You may confer privately with your companion at any time during a meeting.

## 20 Medical Advice

If you fail to act on medical advice or use facilities provided by the Trust this will be considered in line with any sanction awarded.

## 21 Informal

Sickness absence concerns are most effectively managed as early as possible. In most cases informal discussions between the manager and the colleague will help to understand the issues and assess what support might be needed.

During an informal discussion the colleague should be advised of any sickness absence concerns. Feedback should be constructive, with the emphasis being placed on finding ways to support the colleague and improve attendance wherever possible. The colleague should be given the opportunity to provide feedback and to respond to any questions from the manager.

This discussion will be recorded using Absence Record (Appendix 3). This record will be held on the colleague's personnel file until such time as the colleague's attendance is wholly satisfactory and reviewed over a period of 6 months.

Sickness absence will be managed informally in the first instance. However, if a colleague's absence due to sickness is of concern or informal action has not succeeded in improving attendance to an acceptable level, consideration will be given to whether there are grounds for undertaking formal action. The formal process can be applied to either cases of frequent short-term or long-term sickness absence.

## 22 Stage 1: first sickness absence review meeting

22.1 The purposes of a first sickness absence meeting may include:

- Check on your well-being.
- Discussing the reasons for absence.
- Where you are on long-term sickness absence, determining how long the absence is likely to last.
- Where you have been absent on a number of occasions, determining the likelihood of further absences.
- Signal that your time off is a cause for concern and review the sickness triggers.
- Allow you to provide information about any medical problem and consider whether medical advice is required or, if already obtained, what that advice is.

- Considering what, if any, measures might improve your health and/or attendance.
- Determining a way forward, action that will be taken and a timescale for review, and/or a further meeting under the sickness absence procedure.

## 23 Stage 1: Review period and evaluation

23.1 Monitoring/welfare meetings will be held between you and your Line Manager at regular and appropriate intervals (**Appendix 5**) to ensure:

- effective monitoring;
- appropriate support is given to you;
- positive feedback is given where possible; and
- if further problems in attendance are identified, the reasons are discussed.

Notes of the monitoring process will be kept by your Line Manager. The notes may be referred to at Stage 2 of the procedure.

23.2 If at the end of the review period, your attendance has improved to acceptable standards, no further action will be taken under this procedure, unless this is not sustained during the next 6 months. The decision to take no further action will be confirmed by the Line Manager in writing, within 10 working days. This letter will also confirm that the improved attendance must be sustained consistently during the next 6 months and explain that if there are further issues Stage 2 will be invoked. A copy of this letter will be kept on your personnel file.

23.3 If at the end of the review period, the colleague's attendance has not improved to acceptable standards then the issue will be referred to under Stage 2 of the procedure; or in exceptional circumstances the review period may be extended.

## 24 Stage 2: second sickness absence review meeting

24.1 Depending on the matters discussed at the first stage of the sickness absence procedure, a further meeting or meetings may be necessary. Arrangements for meetings under the second stage will follow the same process as the first in terms of timing/notification and accompaniment.

24.2 The purposes of further meeting(s) may include:

- Check on your well-being.
- Discussing the reasons for and impact of your ongoing absence(s).
- Where you are on long-term sickness absence, discussing how long your absence is likely to last.
- Identify reasons for the lack of improvement.
- Where you have been absent on a number of occasions, discussing the likelihood of further absences.
- If it has not been obtained, considering whether medical advice is required. If it has been obtained, considering the advice that has been given and whether further advice is required.
- Considering your ability to return to/remain in your job in view both of your capabilities and the needs of the School/Trust and any adjustments that can reasonably be made to your job to enable you to do so.
- Considering possible redeployment opportunities and whether any adjustments can reasonably be made to assist in redeploying you.
- Where you are able to return from long-term sick leave, whether to your job or a redeployed job, agreeing a phased return to work programme.

- If it is considered that you are unlikely to be able to return to work from long-term absence, whether there are any benefits for which you should be considered.
- Determining a way forward, action that will be taken and a timescale for review and/or a further meeting(s). This may, depending on steps we have already taken, include warning you that you are at risk of dismissal.
- Issuing a final written warning that your employment may be at risk if your attendance does not improve, or you do not return to work.

## 25 Stage 2: Review period and evaluation

25.1 Your Line Manager will ensure that during the review period your attendance is closely and objectively monitored. Supervision meetings will be held between you and your Line Manager at regular and appropriate intervals to ensure:

- Effective monitoring;
- appropriate support is given to you;
- positive feedback is given where possible; and
- if further problems in attendance are identified, the reasons are discussed.

Notes of the monitoring process will be kept by your Line Manager. The notes will be referred to at Stage 3 of the procedure.

25.2 If at the end of the review period, your attendance has improved to acceptable standards, no further action will be taken under this procedure, unless it is not sustained during the next 12 months. The decision to take no further action will be confirmed by your Line Manager in writing, within 10 working days. This letter will also confirm that the improved attendance must be sustained consistently during the next 12 months and explain that if there are further issues then Stage 3 may be invoked. A copy of this letter will be kept on the colleague's personnel file.

25.3 If at the end of the review period, your attendance has not improved to acceptable standards then the issue will be referred to under Stage 3 of the procedure; or in exceptional circumstances the review period will be extended.

## 26 Stage 3: final sickness absence meeting

26.1 Where you have been warned that you are at risk of dismissal and the improvement has not been made, we may invite you to a meeting under the third stage of the sickness absence procedure. Arrangements for this meeting will be the same as for other stages in terms of timing/notification and accompaniment.

26.2 The purposes of the meeting will be:

- To review the meetings that have taken place, the matters discussed, and warnings issued.
- If you remain on long-term sickness absence, to consider whether there have been any changes since the last meeting under stage two of the procedure, regarding your possible return to work or opportunities for return or redeployment.
- To consider any further matters that you wish to raise.
- To consider whether there is a reasonable likelihood of you returning to work or achieving the desired level of attendance in a reasonable time.
- To consider if ill health retirement is a possibility where medical advice is clear it is unlikely that you will be fit to return to your role in the near future.
- To consider the possible termination of your employment.
- Termination will normally be with full notice or payment in lieu of notice.

## 27 Appeals

- 27.1 You may appeal against the outcome of any stage of this procedure, and you may bring a companion to an appeal meeting.
- 27.2 An appeal should be made in writing, stating the full grounds of appeal, to the designated person within five days of the date on which the decision was sent to you.
- 27.3 Appeals will only be accepted on the grounds of fairness or procedural failure and must be specific in detail.
- 27.4 Unless it is not practicable, you will be given 48 hours written notice of an appeal meeting. In cases of dismissal the appeal will be held as soon as possible. Any new matters raised in an appeal may delay an appeal meeting if further investigation is required.
- 27.5 You will be provided with written details of any new information which comes to light before an appeal meeting. You will also be given a reasonable opportunity to consider this information before the meeting.
- 27.6 Where practicable, an appeal meeting will be conducted by someone, senior to the manager who conducted the sickness absence meeting.
- 27.7 A minimum number of attendees on the Appeals Panel will be two.
- 27.8 Depending on the grounds of appeal, an appeal meeting may be a complete rehearing of the matter or a review of the original decision.
- 27.9 Following an appeal, the original decision may be confirmed, revoked, or replaced with a different decision. The final decision will be confirmed in writing, if possible, within ten days of the appeal meeting. There will be no further right of appeal.
- 27.10 The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity or pay.

## 28 Leave of Absence and Special Leave

### 28.1 Special Leave provision for academy staff

28.1.1 There are a number of provisions available for colleagues to use in circumstances where they may have urgent and unforeseen needs to take time off outside of academy holidays.

28.1.2 In all cases, requests for special leave should be made in writing to the Headteacher and cc The People & Culture Team (**Appendix 5**) in cases of an emergency, all forms should be completed retrospectively.

28.1.3 When considering special leave, the following guidelines apply:

- The granting of special leave is not an automatic entitlement.
- Any decisions on request for special leave will consider both the school's requirements and the colleague's own needs and whether or not it will be paid
- Each case will be considered on an individual basis and in some circumstances the operational needs of the school will be the determining factor when decisions are made.
- Any requests for leave which are not identified in this policy may still be considered by your line manager/The People & Culture Team.
- It is a requirement that, when any time off is requested, the colleague must give their line manager as much notice of such requests as is possible and reasonable, not less than 48 hours. The request must be made in writing (**Appendix 5**)

- A leave of absence request should not be approved for the purpose of work/financial gain, e.g., short term contract with another employer or consultancy work. Requests which have neither educational, nor compassionate grounds will not normally be considered.
- Where the line manager/People & Culture Team considers that a request is unreasonable it will be refused; in such circumstances the colleague will be given the reason(s) for the decision.
- If a colleague considers that the line manager/People & Culture Team has acted unreasonably not allowing leave, with or without pay, to be granted or, where the time allowed has not been considered to be sufficient, they may raise the matter in writing with their managers manager who will review all the circumstances and determine the appropriate action which may include arranging an appeal hearing. Should a hearing be considered the appropriate step in resolving the complaint this will be arranged within a reasonable timescale and the outcome notified within 10 days.

Special leave entitlements are maximum periods over a 12-month rolling period.

## 29 Leave of absence for Head Teachers

Headteachers who wish to apply for leave of absence for any of the proposed reasons in this policy shall apply to the CEO as far in advance as possible and, where possible and reasonable, not less than 48 hours before the commencement of the proposed period of leave. East Midlands Academy Trust must be informed of any such requests.

## 30 Categories for Special Leave

Any request for special leave must be applied for via the request for special leave form in Appendix 5.

- 30.1 Category A – Any dependant person, plus partners, children, parents of colleague, siblings or legal guardian.
- 30.2 Category B – As above plus great/grandparents including partner’s grandparents, and partner’s parents.
- 30.3 Category C – All others

## 31 Special Leave Entitlements

### 31.1 Medical Appointment

Dentist/Doctor	Outside of academy hours when possible. If not, paid leave may be granted on production of an appointment card/letter.
Hospital appointments and medical screening	Outside of academy hours when possible. If not, paid leave may be granted on production of an appointment card/letter.
Treatment in relation to infertility (IVF)	Up to 10 days paid leave on production of an appointment card/letter. Unpaid leave may be considered for extended periods.
Accompanying relative to hospital appointment	Category A only – paid leave on production of an appointment card/letter. Up to a maximum of 5 occasions.

All non-elective hospitalisation/dental treatment will be treated as sickness. Medical certificates should be provided in accordance with the normal sickness procedure.

### 31.2 Bereavement and Dependent Care

Bereavement – Death of a relative	<p>Category A – up to 7 days paid leave, including the funeral</p> <p>Category B – up to 2 days paid leave, including day of funeral</p> <p>Category C – unpaid</p>
Bereavement – Death of a child/ or that you are a guardian of. (under the age of 18 or are stillborn after 24 weeks’ pregnancy)	<p>2 weeks paid leave which must be taken within 56 weeks of the child’s death either 2 consecutive weeks, 1 week or 2 separate weeks.</p> <p>Eligible colleagues will be paid one of the following whichever is lower:</p> <p>Statutory minimum</p> <p>90% of their average weekly earnings</p>
Caring for child/dependant, including when normal child-care arrangements fail, child falls ill and including accompanying child/dependant to medical appointments/school etc.	Up to a maximum 5 occasions paid leave per rolling year
Parental Leave	<p>After one year’s continuous service colleagues are entitled to 18 weeks unpaid parental leave which may be taken for each child and adopted child, up to their 18th Birthday. You must provide a minimum of 21 days’ notice.</p> <p>Must be taken in blocks of one week or more, with a maximum of 4 weeks in any one year. Single days may be taken where the child is disabled. <i>(A week is based on the colleagues working pattern)</i></p> <p>Both parents qualify for the entitlement; however where we employ both parents, they may not take parental leave at the same time.</p>

### 31.3 Religious observation and civil services

Attendance at a religious ceremony where the colleague’s religion requires this.	Up to 2 occasions paid leave per year.
Weddings	<p>Category A – up to 1 days paid leave</p> <p>All others – unpaid leave, only at discretion of the People &amp; Culture Team</p> <p>(Unavoidable travelling time in excess of this will be considered without pay)</p>
Attending a funeral (It is recognised that attending the funeral of a close friend can be just as important as attending one of a close relative)	At the discretion of the People & Culture Team

Other compassionate leave	EMAT will consider sympathetically any requests for compassionate leave bearing in mind both the colleague's specific needs and operational requirements. It is likely to be unpaid or use of holiday.
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#### 31.4 Household

Moving House <i>(Where it is possible for annual leave or time in lieu to be used, the line manager may request this as an alternative to be paid leave)</i>	1 day paid leave; consideration should be given to additional paid leave for new staff relocating over 50 miles.
Household Emergency e.g., fire, flood, burglary	1 day paid leave, extended at discretion of Line Manager/the People & Culture Team

#### 31.5 Public Services, courts and tribunals

Jury service <i>(in the event of the colleague not being required to serve on a particular day, the colleague must report to work)</i>	Colleagues will be reimbursed for loss of earnings upon receipt of confirmation of the loss of earnings allowance from the court.
Witness at Court <i>(in the event of the colleague not being required to serve on a particular day, the colleague must report to work)</i>	Colleagues will be reimbursed for loss of earnings upon receipt of confirmation of the loss of earnings allowance from the court
Court attendance as defendant or plaintiff	Leave with pay when representing the employer. Unpaid if not representing school or employer

#### 31.6 Examinations

Exam and exam study leave	Paid leave for exam time and equivalent time for study leave (e.g. 0.5 day if exam is 0.5 day) for exams that enhance a colleague's role specific to their professional development and agreed/authorised in advance (the People & Culture Team to agree via a Personal Development Activity Request in advance)
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#### 31.7 Education

Participation in educational broadcasts or lectures	Subject to requirements of academy, maximum of 5 days paid leave in academic year to be agreed/authorised in advance (the People & Culture/ to agree via a Personal Development Activity Request in advance)
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Degree ceremonies/prize distribution etc	Up to 1 day paid leave for awards granted to Category A (unavoidable travel time in excess of this will be considered without pay)
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### 31.8 Job Interviews

Interview attendance for posts within employer	Leave with pay
Interview attendance for posts within education	Max. of 5 occasions paid leave in a rolling 12 month. Further requests will be unpaid.
Interview for approved college course or other form of study	Up to 2 occasions paid leave in a rolling 12 month. Further requests will be subject to the requirements of the school and at the discretion of Headteacher and the People & Culture Team
Interview for any other posts	Unpaid leave – time off at the discretion of line manager/the People & Culture Team

Where interview related absence becomes a recurrent feature and the balance of service delivery is affected, EMAT reserves the right to grant leave without pay

### 31.9 Sporting events etc

Representing Country or County	Up to two days and any further time required can be discussed with Headteacher and the People & Culture Team
Accompanying relative representing Country or county	Category A – unpaid leave

### 31.10 Civil Public Duties

<ul style="list-style-type: none"> <li>A magistrate (also known as a justice of the peace)</li> <li>a local councillor</li> <li>a school governor</li> <li>a member of any statutory tribunal (for example an employment tribunal)</li> <li>a member of the managing or governing body of an educational establishment</li> <li>a member of a health authority</li> <li>a member of a school council</li> <li>a member of the Environment Agency</li> </ul>	<p>In accordance with statutory entitlements and local agreements in force</p> <p>Time off must be agreed in advance with Line Manager and the People &amp; Culture Team</p>
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<p>a member of the prison independent monitoring boards</p> <p>a trade union (for trade union duties)</p>	
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31.11 Volunteer Reserve Forces

<p>Volunteer Reserve Forces</p>	<p>We support the Volunteer Reserve Forces and members will be allowed to attend the two-week period of annual training, in addition to their holiday entitlement.</p> <p>Should a reservist be called up by the MOD then we will use its best endeavours to hold the colleague’s position open until they return to work.</p>
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**32 Severe Weather**

If a decision has been made that the academy is closed to pupils in consultation with the CEO, due to severe weather conditions, the Headteacher needs to decide if staff are required to attend. Where you have been informed that you are not required to attend you should be paid normal salary. You will be required to work from home, i.e., remote teaching.

The extent to which most means of transportation cease or are seriously disrupted will need to be considered, including advice given by local authorities/police as to whether journeys should be attempted. Where possible, colleagues will be expected to continue to work from home.

If weather conditions are not severe and you do not attend work, the period will be without pay and you may be liable to disciplinary procedures.

The Headteacher is entitled to direct colleagues to complete specific tasks on academy closure days.

Should you arrive late and remain at the academy until the end of the day you should not suffer loss of pay. If the academy releases staff early, you should not suffer loss of pay. If you will be absent or late, you must make every effort to telephone the academy to report the circumstances.

If you are ill on the day(s) when there are severe weather conditions, the school’s normal sickness reporting and recording procedures will apply.

Absences caused by the urgent need to care for children, elderly or other close relatives whose normal care arrangements have been closed due to severe weather conditions will be considered under “time off for dependants”. There is an expectation that you will make reasonable attempts to enable alternative arrangements and/or share the responsibility of care with a partner / sibling if appropriate.

**33 Other circumstances**

Where the school is unexpectedly closed for some reason (e.g. flooding, fire, breakdown of essential equipment), you may be asked to work from another reasonable location or will be expected to work from home, where the job role allows. Where this is not considered possible you will be granted leave with pay for the duration of the disturbance or until alternative arrangements are put in place.

### Appendix 1: Self- Certificate form

<p><i>To be completed by the colleague (for all absences)</i></p> <p>After every period of sickness absence, regardless of duration, on the first day of return to work. In addition to the requirement to submit Medical Fit Notes from the 8th calendar day of absence. To cover the whole period of absence. Entitlement to sick pay is based on the accurate completion of this form and timely submission.</p>			
<b>Section 1: Personal Information</b>			
<b>Name:</b>			
<b>Job Title:</b>		<b>Colleague Number:</b>	
<b>School:</b>			
<b>Line Manager/Nominated person:</b>			
<b>Section 2: Details of Sickness Absence</b>			
<b>First day of sickness: Date:</b> (dd/mm/yyyy)		<b>Last day of sickness Date:</b> (dd/mm/yyyy)	
<b>Return to work date: Date:</b> (dd/mm/yyyy)		<b>Total number of working days absent:</b>	
<b>Reason for absence</b>			
<b>Was your sickness absence due to a work related accident?</b>	Yes/No		
<b>If yes, who did you report it to?</b>		<b>Has an accident report form been completed?</b>	YES / NO
<b>Section 3: Declaration to be completed by colleague</b>			
I certify that the above is a complete and accurate record of my sickness absence. I understand if I provide inaccurate or false information about my absence, with the intention to mislead, this will result in disciplinary action and may affect my entitlement to sick pay.			
<b>Completed by: Print name</b>		<b>Signed</b>	
<b>Date:</b>			
<b>Line Manager/Nominated Person</b>			
Colleagues must complete this form and forward it to your Line Manager/Nominated Person within 3 days of your absence commencing or on your first day back if sooner. They will review it for accuracy and send to your Office Manager/School Business Manager/Bursar/the People & Culture Team			
<b>Headteacher/Principal/Nominated person Print name</b>		<b>Signed</b>	
<b>Date:</b>			
<b>Notes on confidentiality</b>			
Your Line Manager/Nominated Person will not disclose information to anyone other than to people who need to know as part of operating the sickness absence procedure. Personal details about a colleague's health are confidential and any breach of confidentiality will be dealt with. Personal records about a colleague's health will be held in accordance with the requirements of data protection legislation.			

**Appendix 2: Return to work form** completed by Line Manager/Nominated Person and colleague

<b>Name:</b>		<b>Job Title:</b>	
<b>School name:</b>			
<b>Line Manager/Nominated Person:</b>		<b>Date of RTW discussion:</b>	
Has the necessary medical certification been presented? (e.g., where required, a fit note/s)		YES / NO	
Colleague confirms fit for work?		YES / NO	
Colleague updated on work issues?		YES / NO	
Is the absence related to a work related accident? (If yes, has the appropriate documentation been completed?)		YES / NO	
Is a phased return appropriate?		YES / NO	
Details of phased return / restrictions:			
Summary of discussion:			
Wellbeing:			
Does the colleague have a temporary or permanent mobility issue that would require PEEP? (Personal Emergency Evacuation Plan) <i>If you have answered yes to this please complete a PEEP, copy can be obtained from your Site Team</i>		YES / NO	
Number of working days lost due to absence in the last 12 months:			
Is there concern about the level of sickness absence		YES / NO	
Has the colleague been informed about the importance of regular attendance and that poor attendance can lead to informal and formal monitoring under the Trust Absence and Time Off Policy?		YES / NO	
Has the colleague reached the absence triggers? <i>Ten or more days' absence within any rolling 6-month period Three separate instances of absence within any 6-month period When a combination of odd days, or longer periods and patterns of absence causes concern; or Where the Line Manager/Nominated person considers that the colleague's absence is having a significant impact on service</i>		YES / NO	
Is there a need to follow up action such as an Attendance Review Meeting?		YES / NO	
Is referral to GP or OCH appropriate?		YES / NO	
Any other comments or issues raised, and any further action agreed:			
Colleague comments:			
Signed – Line Manager/ Nominated person :		Date:	
		Signed Colleague:	
			Date:

### Appendix 3: Sickness Absence meeting record

This is the record of a meeting held under the Absence & Time Off Policy. It is strictly confidential. It will be held on the colleague's personnel file until such time as the colleague's attendance is wholly satisfactory and for 6 months thereafter. This record will be handled in accordance with prevailing legislation and EMAT's policies. The record may be accessed and referred to by those with authority to manage the information and formal stages of the Policy.

<b>Colleague name:</b>		<b>Job Title:</b>	
<b>Length of Service:</b>		<b>Date of meeting:</b>	
<b>Line Manager:</b>		<b>Name of note taker: And other people present:</b>	
<b>Details of Sickness Absence</b>			
<b>Period of Absence:</b>		<b>Number of days Absent:</b>	
<b>Reason (s) for Absence</b>			
Is absence related to a known or possible disability under the Equality Act?			<b>Yes / No</b>
Has there been consideration of whether the 'trigger point' relating to days absence should be extended following discussions with the People & Culture Team, or if the policy should otherwise be modified.			<b>Yes / No</b>
If yes – details of medical evidence must be attached			<b>Yes / No</b>
<b>Details of meeting</b>			
<b>Key points discussed</b>			

**Reasons for absence – underlying medical condition?**

**The value of your contribution? The impact of absence on teaching and learning, and/or service delivery and colleagues. How your work has been covered in your absence.**

Are you fully recovered and able to resume full duties	<b>Yes / No</b>
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If your view is “no” then action plan should consider

- Referral to Occupational Health (OH)
- Temporary adjustments which can reasonably be accommodated

**Action Plan**

Is your absence in any way related to work?

Are you doing all your can to improve your attendance?

Fit note required for any period of absence during the monitoring period	Yes / No
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Review	
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Attendance will be reviewed in  
 1 month   2 months   Date of review:

Copy of Absence & Time Off Policy has been provided and the process explained.	Yes / No <i>(Must be provided and explained prior to a formal meeting)</i>	Date provided:
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<b>Signature of Line Manager:</b>	<b>Date:</b>	
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I agree that the above is an accurate statement of the meeting:

<b>Signature of Colleague:</b>	<b>Date:</b>	
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**Appendix 4: Sickness Absence Monitoring meeting notes**

<b>Colleague name:</b>		<b>Job Title:</b>	
<b>Line Manager:</b>		<b>Date of meeting:</b>	
<b>Name of note taker:</b>		<b>Names of any other people present:</b>	
<b>Review period</b>			
<b>Period of Absence:</b>		<b>Number of days Absent:</b>	
<b>Reason (s) for Absence</b>			
<b>Review period notes</b>			
<b>Attendance has improved</b>		<b>Yes / No</b>	
If <b>YES</b> , no further action will be undertaken under these procedures, unless standards are not sustained during the next 12 months or if there has been a breach in some aspect of the policy e.g. failure to notify Line Manager/Nominated Person of absence			
If <b>NO</b> , then this needs to be referred to under Stage 2 of the procedure			
<b>Signature of Line Manager:</b>		<b>Date:</b>	
I agree that the above is an accurate statement of the meeting:			
<b>Signature of Colleague:</b>		<b>Date:</b>	

### Appendix 5: Special leave request form

Request for special leave – for completion by the colleague					
Name:				Job title:	
School name/department:				Line Manager:	
<b>Details of request</b>					
Date from		Date to		Total working days	
If the time required is less than one day, please state the number of hours required and the time period you will be away from the academy					
Number of hours required				Time away from school	
<b>Leave Category</b>					
Please place a tick in one box and complete details as appropriate					
Tick if applicable	Reasons for absence	Other information required (please use box below)			
	<b>Time off for dependants, or other domestic emergency</b>	<i>Relationship, age (if under 18) and nature of illness /problem</i>			
	<b>Bereavement / funeral</b>	<i>Relationship, and location &amp; date of funeral, or other explanation as appropriate</i>			
	<b>Hospital, doctor, dental or other medical appointment; medical screening, donor or infertility treatment</b>	<i>Appointment card / letter to confirm date, time and place of appointment</i>			
	<b>Religious observance</b>	<i>Date and reason</i>			
	<b>Public office, including school governor, witness duty and jury service</b>	<i>Date, time and location. Appointment letter where appropriate (witness/jury)</i>			
	<b>Attending an interview / new job induction</b>	<i>Date, time (start &amp; finish) &amp; location</i>			
	<b>Graduation or wedding</b>	<i>Relationship, date &amp; location</i>			
	<b>Moving house</b>	<i>Date</i>			
	<b>Study or exam</b>	<i>Date, location and details of course studied</i>			
	<b>Other unpaid leave</b>	<i>Please see details in policy</i>			

<b>Please use this space to give further details:</b>	
<b>Date:</b>	
<b>Colleague signature:</b>	

*Please pass this form for approval, in accordance with your school procedure*

Approval of special leave request Part B – for completion by the Line Manager or The People & Culture Team			
		Request <b>approved with pay</b> <i>(Inform colleague, and update local records)</i>	
		Request <b>approved without pay</b> <i>(Inform colleague that time off is approved without pay, and that monies will be deducted from pay in full at the earliest opportunity. Inform payroll and update local records.)</i>	
		Request <b>declined</b> <i>(Inform colleague why the request has been declined and update records)</i>	
<b>Amount of leave already taken this academic year:</b>			
<b>Authorisation of number of paid and/or unpaid</b>		<b>Number of days paid:</b>	
		<b>Number of days unpaid:</b>	
<b>Use this space to add comments to explain decision where appropriate</b>			
<b>Name (block capitals):</b>		<b>Signature:</b>	
<b>Date:</b>			
<b>Name The People &amp; Culture Team (if applicable)</b>		<b>Signature:</b>	
<b>Date:</b>			