

STAFF ATTENDANCE MANAGEMENT POLICY

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As part of our focus on diversity and inclusion, BDAT pledges that our policies will seek to promote equality, fairness, and respect for all staff and students. Our policies reflect the BDAT values of inclusion, compassion, aspiration, resilience, and excellence. By working closely with a range of stakeholders, such as our school, union, and HR colleagues, we have ensured that BDAT's policies do not unlawfully discriminate against anybody.

Attendance Management Policy Statement

The Principles of this Managing Staff Attendance Policy

BDAT is committed to maintaining the health, safety and welfare of its staff, seeks to provide a positive and healthy working environment and recognises the value of staff's work/life balance. Regular attendance at work is part of every staff member's contract of employment. However, it is recognised that staff will on occasion have genuine and acceptable health reasons to be absent from work and on those occasions the academy or central Trust office as appropriate will aim to do everything possible to support a staff member during the period of absence, with the aim of assisting their return to work at the earliest opportunity.

The overall aim of the policy is to minimise absence levels across the academy and provide information on how the academy may support those staff who are unable to attend work due to ill health. The policy also aims to provide a fair and consistent framework for managing attendance and should help ensure that all staff are aware of their responsibilities regarding attendance at work.

In accordance with its obligations under the Equality Act (2010), management will endeavour to make all reasonable adjustments to support and enable staff with a disability to access equal opportunities in their employment.

Please note that the term academy also encompasses staff working in the central team.

Part I of this policy has been provided as a Trust level resource for BDAT and does not form part of an employee's terms and conditions of employment. The academy may depart from its terms where circumstances dictate. In particular, the academy may depart from the terms of this policy in the first two years of a staff member's employment.

Part II of this policy contains terms and conditions of employment for BDAT employees relating to sick pay in accordance with s.1 Employment Rights Act 1996.

The Academy's Responsibilities

- To inform all staff of attendance management procedures including sickness absence procedures and the conditions of the sick pay scheme.
- To record all sickness absence upon notification, including reasons for absence and likely duration (if known).
- To maintain reasonable contact with staff during a period of absence.
- To meet with all staff on their return to work, regardless of the duration of the absence.
- To regularly monitor and review all sickness absence across the academy.

- To determine the appropriate course of action when an employee's sickness has reached an unacceptable level or met one of the pre-determined thresholds.

Staff Responsibilities

- To attend work when fit to do so.
- To comply with the academy's relevant notification of sickness absence procedures.
- To maintain reasonable contact by mutual agreement with the academy and to meet with the academy when required during periods of absence of 4 weeks or more ("long term sickness absence") or, if medically unable to maintain such contact, to make arrangements for an intermediary, e.g. trade union representative or family member, to maintain contact on their behalf.
- If requested to do so by the academy, to attend occupational health (and potentially other medical) appointments.

Part I Attendance Management

1. Attendance Management Procedure

How to Report Sickness Absence

A clear reporting process is to ensure that the academy can make the necessary arrangements to cover sickness absence. This may involve arranging supply cover for teaching staff/relevant cover for support staff, or longer-term arrangements in the event that member of staff is absent for a longer period of time.

As such the academy has set the following absence reporting procedure, which must be followed in the event of sickness absence. A failure to follow this procedure may result in sick pay being withheld and/or the absence being treated as an unauthorised absence in accordance with the Trust's disciplinary procedure.

- On the first day of sickness absence the staff member must, if at all possible, telephone the nominated person within their academy no later than half an hour before their normal starting time on the first day of absence and advise them of the reason for their absence (unless the issue is sensitive which will be discussed on a one to one basis with a member of the SLT). The academy may ask what the likely duration of the absence may be, although this is not always possible, any approximate duration supports the academy in ensuring sufficient cover in the employees absence.
- The staff member should maintain appropriate contact with the academy everyday (unless otherwise instructed or covered by a medical certificate) with regard to their ongoing absence and its likely duration. Please note that text messages and / or emails are not accepted forms of contact with the academy. If the staff member's absence lasts for longer than 7 consecutive days, they must submit a doctor's fit note to the academy.

Statutory Sick Pay (SSP)

From the 6th April 2026 SSP is payable from the first full day of sickness absence. There is no lower earnings limit.

SSP is paid to the employee by the school for up to a maximum of 28 weeks.

Surgery Not for Medical Reasons

If a member of staff elects to have surgery that is not medically necessary, time off may be paid or unpaid at the discretion of the governing body. However, as there is no automatic entitlement to time off, either paid or unpaid for an employee to undergo surgery not for medical reasons the management of the school may choose not to grant time off.

Any time off that may be granted, whether paid or unpaid, will be subject to the needs of the school at the time. An employee is only entitled to statutory sick pay (SSP) if they are unfit for work.

Returning to Work

Where a doctor advises the staff member that *"they are not fit to return to work"* the doctor will state the period (or dates) that this will be the case *and* whether they will need to assess the staff again. If the doctor has not stated that they need to assess the staff member again, it will ordinarily be assumed that the staff member will return to work on expiry of the fit note. An employee can also return to work before a fit note expires if they feel well enough to do so. They do not need to return to the doctor to be told they are fit for work. There may, however, be occasions where it is advisable to ask the staff member to seek further advice from their doctor regarding a return to work. The staff member is required to attend such an additional appointment as reasonably instructed by the academy. This will be done in line with all data protection legislation (including the Trust GDPR Policy) and the Access to Medical Records Act 1988.

During such additional period of assessment (unless the staff member refuses to attend such an appointment), the staff member will remain entitled to sick pay in accordance with the SSP or the staff terms and conditions of service.

The fit note offers a new option - *'may be fit for work taking account of the following advice'*.

A doctor will be able to suggest ways of helping staff get back to work. This might mean discussing:

- A phased return to work.
- Flexible working.
- Amended duties.
- Workplace adaptations.

It is important that staff communicate any such advice to their academy as soon as possible and in any event significantly prior to their return to work, to enable all reasonable adjustments suggested by their GP. Staff should inform the academy of their return to work date as soon as possible.

The academy or central Trust office consider any reasonable adjustment recommendations made by a doctor to support a staff member's return to the workplace. This could include, but is not limited to, making changes and adjustments to working hours, existing equipment, provision of different equipment and workplace practices if the staff member is placed at a substantial disadvantage. It may also involve physical changes, such as to the building entrance points, or alterations to the floor plan, furniture, etc. The staff member will be consulted fully on any changes. However, reasonable adjustment requests may on occasion be declined, as the request may have a significant impact on maintaining education standards, pupils or other staff, practicability, disruption to school life and cost.

On their return to work, the staff member must contact their nominated academy representative and complete the Self Certification Form as directed, (please see Appendix 2 for the Trust's example). It may be that following consultation with a staff member the phased return is not long enough to support the staff member's return to work. In such cases where the phased return is not long enough to support the member of staff's return to work, alternative options, examples of which could be, such as a variation to contract, special adjustments, or flexible working may be considered on a case-by-case basis. These will be by mutual agreement and following discussion.

Occupational Health

The academy may refer the staff member to Occupational Health who will be able to advise on matters such as:

- When the staff member may be able to return to their role.
- The staff member's ability to carry out their role.
- Whether the staff member falls under the auspices of the Equality Act (2010), and whether any adjustments or modifications could be made to assist the staff member in carrying out their role.
- Whether the staff member is (or will soon be) unable to carry out their role and/or the staff member's ability to carry out alternative duties either within the academy or within the Trust.
- Whether any adjustments or modifications could be made to assist the staff member in carrying out such alternative duties.

The academy has a duty of care to its staff to consider all appropriate support options including reasonable adjustments or phased returns to work.

The Trust recognises that certain long-term conditions, including forms of neurodivergence such as Autism Spectrum Condition, ADHD, dyslexia and related cognitive differences, may meet the definition of a disability under the Equality Act (2010). In line with its obligations, the Trust will give full consideration to the individual circumstances of neurodivergent staff and will implement reasonable adjustments where appropriate to support staff in attending work regularly and performing their role effectively. Any such adjustments will be discussed collaboratively with the staff member and reviewed regularly to ensure they remain appropriate.

It may be appropriate for staff experiencing a psychological illness i.e. stress/anxiety/depression or a musculoskeletal complaint i.e. neck/shoulder/back condition, that an immediate referral is made at

the point of the absence notification being received. Occupational health referrals can be made at any point, during absence or whilst the employee is in the workplace.

Where a staff member has been absent due to work-related stress or other stress-related illness, the Trust will undertake a Stress Risk Assessment in consultation with the staff member. The purpose of this assessment is to identify any workplace factors contributing to the absence and to agree reasonable steps to support the staff member's wellbeing and to reduce the likelihood of future absence. The Stress Risk Assessment will be reviewed at appropriate intervals following the staff member's return to work

Return to Work Discussion

Following a period of 1 day's sickness absence or more a return to work discussion should take place with the employee with their line manager or Head of Department.

Ideally this should be done on the employee's first day back at work or no later than 3 days after their return to work. The meeting will be held by the employee's line manager or head of department.

The purpose of the discussion is:

- to welcome the employee back to work, advise them of any events or changes that have taken place during their absence and to ensure that they are completely fit for work or whether they need extra support for a period of time and whether a referral to Occupational Health is necessary;
- to make employees aware if they are near to, or have exceeded the review points and if their absence is generally a cause for concern and the possible implications of this. The discussion that takes place will depend on their absence history. A record of the discussion must be made and this should be signed by the manager and employee with a copy given to the member of staff and one placed on their personnel file; and
- if appropriate, set the employee a period of informal monitoring which may include targets.
- if appropriate, to advise the employee of the next stage in the process.
- Should a live warning already be on file for the staff member, and they have exceeded their absence review target, they will be notified at the Return to Work discussion that they could be invited to either a Stage 2/3 Absence Meeting as appropriate. The staff member has the right to be accompanied at this meeting.
- It is the intention that the academy will manage absence in a pro-active and supportive manner through the effective completion of return to work discussions.

A template return to work discussion record form is available (see Appendix 1).

2. Short Term Absence Management

When considering review points, the circumstances of the staff member will be carefully and sensitively considered in order to treat all staff fairly, consistently and compassionately.

How attendance will be reviewed (review points)

In order to manage attendance effectively it is important that sickness absence is consistently reviewed. The academy has pre-determined review points which can alert it if a staff member's attendance has reached a point where there may be cause for concern. The following review points are in place to monitor staff attendance:

- 3 or more occurrences of sickness absence in any 6-month period and/or
- 7 or more days sickness absence in any 12-month period and/or
- 4 weeks continuous sickness absence and/or
- If the number or pattern of absences causes concern e.g. regular absence on the same days of the week, in line with the review points above.

Procedure

This procedure is designed to deal with persistent short-term absence cases.

The Trust has delegated the following powers to the following levels of staff:

	Stage One: Absence Meeting		Stage Two: Absence Meeting		Stage Three: Absence Hearing	
Role	Meeting Officer	Appeal Officer	Meeting Officer	Appeal Officer	Meeting Officer	Appeal Officer
CEO	Chair and Nominated Trustee	A nominated Trustee	Chair and Nominated Trustee	A nominated Trustee		Panel of three drawn from Trustees
Executive Team	CEO and a nominated Trustee	A nominated Trustee	CEO and a nominated Trustee	A nominated Trustee	CEO and a nominated Trustee	Panel of three drawn from Trustees
Central Team	Line Manager	A nominated member of the Executive Team	Line Manager	A nominated member of the Executive Team	CEO	Panel of three drawn from Trustees
Executive Head	Education Director and a nominated Chair of Governors	A nominated Trustee	Education Director and a nominated Chair of Governors	A nominated Trustee	CEO	Panel of three drawn from the Trustees
Head / Principal / Head of School	Education Director and a nominated Chair of Governors	A nominated Trustee	Education Director and a nominated Chair of Governors	A nominated Trustee	CEO	Panel of three drawn from the LGB / Trustees
SLT	Head / Principal / Head of School	A nominated Governor	Head / Principal / Head of School	A nominated governor	Head / Principal / Head of School	Panel of three drawn from the LGB
Teachers	SLT	A nominated Governor	SLT	A nominated Governor	Head / Principal / Head of School	Panel of three drawn from the LGB
Support Staff	Line Manager	A nominated member of SLT / Governor	Line Manager	A nominated member of SLT / Governor	Head / Principal / Head of School	Panel of three drawn from the LGB

If the staff member's attendance levels have not improved to a satisfactory level following informal action through the return to work discussions, and having taken into consideration the review points, management may choose to obtain medical advice from occupational health (if appropriate) or may proceed to a Stage 1 Absence Meeting.

Stage 1 Absence Meeting

If a staff member's sickness absence levels have not improved despite being addressed in their Return to Work Meetings, and the staff member has reached the review points, a member of SLT may invite the staff member to a Stage 1 Absence Meeting.

The Meeting Officer will provide at least 3 working days' notice of the Stage 1 Absence Meeting in writing. They should inform the staff member of the time, date and place of the meeting, the reason for the meeting, issue any evidence to be discussed at the meeting and state that they have the right to be accompanied by a trade union or work colleague not involved in the case. The staff member will be required to provide any documents they wish to present in the meeting at least 2 working days prior to the meeting.

The Meeting Officer should prepare for the meeting by ensuring that they have identified the staff member's sickness absence levels and the support that has been provided via the Return to Work meetings. Any medical evidence or documentation that the staff member wishes the member of SLT to consider should be submitted prior to the meeting.

In the Stage 1 absence meeting the Meeting Officer must:

- Explain the concern about the absence level and reasons for that concern, such as operational difficulties caused.
- Listen to reasons and respond appropriately, exploring the reasons for absence, there may be factors inside or outside work that may be causing the absence.
- Consider whether to refer the case to the Occupational Health Unit, if not already done.
- State that sustained improvement in attendance is expected and set an appropriate monitoring period and targets for improvement.
- Identify any support required and implement any supportive measures to assist the employee in maintaining their attendance at work.

Potential Outcomes:

- Give the staff member a Stage 1 warning, to remain on file for 6 to 12 months, and explain that continued failure to improve attendance to the specified level may lead to a Stage 2 Absence Meeting which could ultimately lead to their employment being put at risk.
- Set or extend a period of informal monitoring.
- No further action is required at this stage.

In any event the Meeting Officer should fully record the details of the meeting and send a letter to the staff member confirming all the details of this meeting within 3 working days.

Stage 2 Absence Meeting

If the staff member's attendance does not demonstrate the required improvement within the set monitoring period the Meeting Officer will ask the staff member to attend a Stage 2 Absence Meeting. Please see above on page 7 beneath 'How attendance will be reviewed' for this timescale.

The Meeting Officer will provide at least 5 working days' notice of the Stage 2 Absence Meeting in writing. They should inform the staff member of the time, date and place of the meeting, the reason for the meeting, issue any evidence to be discussed at the meeting and state that they have the right to be accompanied by a trade union representative or work colleague not involved in this case.

In the Stage 2 Absence Meeting the Meeting Officer must:

- Explain the concern about the absence level and reasons for that concern.
- Listen to reasons and respond appropriately, exploring the reasons for absence, there may be factors inside or outside work that may be causing the absence.
- Consider whether to refer/re-refer, the case to the Occupational Health Unit, if not already done
- State that sustained improvement in attendance is expected and set an appropriate monitoring period and targets for improvement.
- Identify any support required.

Potential Outcomes

- Give the staff member a Stage 2 warning, to remain on file for 9 to 12 months and explain that continued failure to improve attendance to the specified level will lead to a Stage 3 Absence Hearing which could result in dismissal.
- An extension of monitoring and support within Stage 1 of the formal process
- No further action is required at this stage

In any event, the Meeting Officer should fully record the details of the meeting and send a letter to the staff member confirming all the details of this meeting within 3 working days.

Stage 3 Absence Hearing

If the staff member's attendance does not demonstrate the required improvement within the set monitoring period the Meeting Officer will ask the staff member to attend a Stage 3 Attendance Meeting.

The Meeting Officer will provide at least 5 working days' notice of the Stage 3 Absence Meeting in writing of:

- the purpose of the hearing, date, time and venue;
- the concerns;
- the stage reached in the procedure and who will be attending, including witness to be called;
- any evidence to be relied on by management, including medical evidence

- the right to be accompanied by a trade union or work colleague not involved in the case;
- the requirement for confidentiality;
- the potential outcomes of the hearing, including action up to and including dismissal;
- the requirement for the staff member to provide, in at least 2 working days before the hearing, all documents that they intend to present at the hearing.

The Stage 3 Absence Hearing will be conducted by the Meeting Officer. Any medical evidence or documentation that the staff member wishes to be considered should be submitted at least 2 working days prior to the hearing. The purpose of the Stage 3 Absence Meeting is to consider whether the staff member is capable of continuing employment with the academy in the light of their health, their attendance and their ability to perform the role with reasonable effectiveness. The meeting also takes into account whether the academy can reasonably sustain the staff member's level of attendance.

Potential Outcomes:

- An extension of monitoring and support within Stage 2 of the formal process.
- If the Meeting Officer decides that the staff member's attendance is not acceptable and is unlikely to improve, a panel may be convened and the staff member may be dismissed with notice on the grounds of failure to sustain required levels of attendance/medical capability/capability related to absence.

If the panel decides to terminate the staff member's employment on the grounds of the above, the staff member will be informed of the academy's or central Trust office's decision to dismiss in writing and the staff member will be reminded of their right of appeal. The relevant contractual notice periods will apply.

Appeals

Any appeal arising as a result of a warning or dismissal must be made in writing within 10 working days of receiving written notice of the outcome of the hearing.

Although the Meeting Officer would be present at the Appeal Hearing, it is the Appeal Officer who would conduct the meeting.

If the staff member submits an appeal, they will be invited to an Appeal Hearing where their case will be heard. The staff member will be given due notice of this meeting, as well as the right to submit any documents at least 2 working days prior to the hearing, and the right to be accompanied by a trade union representative or work colleague not involved in the case. The outcome of the Appeal Hearing will be confirmed in writing to the staff member within 3 working days. There is no further level of appeal.

3. Long Term Sickness Absence Management

Where a member of staff is or is reasonably expected to be absent from work for 4 weeks or more (including any period of holiday) or where the staff member has been unable to sustain regular and efficient attendance due to a long term condition they will fall within the scope of the long term sickness absence management procedure.

It may be appropriate for staff experiencing a psychological illness i.e. stress/anxiety/depression or a musculoskeletal complaint i.e. neck/shoulder/back condition, that an immediate referral is made.

The academy will maintain regular and supportive contact by mutual agreement with the staff member, which may include regular review meetings to discuss the staff member's continuing absence, when the staff member may be able to return to work and any reasonable adjustments that the academy may be able to make to assist the staff member in returning to work.

Alternative Venues

In some circumstances where a staff member is unable to attend a meeting at the academy it may be appropriate for management to arrange an alternative venue. This may include the staff member's home with their agreement or a neutral venue. Any manager visiting a staff member's home will be accompanied by another manager/senior staff member and the employee should also be accompanied in such circumstances.

Where appropriate, and subject to mutual agreement, the Trust may conduct return to work discussions, review meetings, or other attendance-related meetings virtually (e.g. via video conferencing). This option may be offered where it supports the staff member's wellbeing, where travel presents difficulty, or where it facilitates timely management of the attendance process. All virtual meetings will follow the same procedural requirements and standards of confidentiality as in-person meetings.

Medical Suspension

There are a number of circumstances where it may be necessary to medically suspend a member of staff.

Reasons for such a decision may include consideration for the protection of the person's own health, as well as the health and welfare of other staff and students who may be put at risk by the medical condition of a member of staff. Occupational Health may recommend medical suspension to management.

When Medical Capability is being considered

If, following advice from Occupational Health, it appears that the staff member is probably not going to be able to return to their role within a reasonable period of time the staff member may be invited to attend a Medical Capability Hearing.

Prior to a medical capability hearing, a preliminary meeting should be arranged in order to discuss the following:

- The history of the staff member's absence, including the number of absences or duration of absences.
- Any reasonable adjustments that have been made or considered.

- If and when the staff member may be able to return to work or start providing regular and efficient service.
- Any redeployment options that have been considered within the academy.
- The up to date medical advice.
- If the employer wishes to request a copy of an employee's medical records/reports this must only be to assist in the assessment of the employee's medical condition.

It is important to note that the Trust can only request a copy of a staff member's medical records/reports to assist in the assessment of the staff member's medical condition. The staff member's consent, in line with requirements under the Access to Medical Reports Act 1988, must be obtained prior to the Trust making contact with the staff member's doctor. The staff member will be entitled to see a copy of the documentation provided. In line with data protection legislation, the staff member must also be given details on the reason for the examination, what the Trust intends to do with the data obtained, and the lawful basis for processing the data.

The staff member has the right to be accompanied at the meeting by a trade union representative or work colleague.

If, following the preliminary meeting, management remain of the opinion that the staff member is not able to return to work within a reasonable period of time and that their absence cannot be sustained or that the staff member will not be able to provide regular and efficient service in accordance with their contract of employment, the staff member should be invited to attend a Medical Capability Hearing.

Medical Capability Hearing

The Medical Capability Hearing will be conducted by the Meeting Officer. The purpose of the Medical Capability Hearing is to consider the viability of the staff member's continuing employment with the academy. The staff member should be given written notification of the meeting giving 5 working days' notice.

The Meeting Officer will consider dismissal on the grounds of medical capability where having considered any medical advice and any representations by the staff member the Meeting Officer reasonably believes that:

- the staff member is permanently unfit to work.
- they are unable to reasonably determine when the staff member will be able to return to work or to provide regular and efficient service.
- the staff member is unlikely to be able to provide a reliable and efficient service.

In the event that a member of staff has failed to attend appointments with Occupational Health and therefore there is no medical evidence to consider, the Meeting Officer may make a decision based on the information presented at the Hearing.

The staff member has the right to be accompanied at the Medical Capability Hearing by a trade union representative or work colleague who is not involved in the case. Any documentation that the staff

member wishes the Meeting Officer to consider should be submitted at least 2 working days prior to the Hearing.

In certain situations, whereby medical evidence from a staff member is in direct conflict with the medical evidence from Occupational Health, the academy will obtain a further medical report.

Where a member of staff fails to attend the Medical Capability Hearing, the hearing may go ahead in their absence.

If the Meeting Officer decides to terminate the staff member's employment on the grounds of Medical Capability, the staff member will be informed of the Meeting Officer's decision to dismiss in writing and the staff member will be informed of their right of appeal.

There is no requirement to exhaust sick pay entitlement before Medical Capability dismissal takes place.

Appeals

Any appeal arising as result of a Medical Capability Dismissal must be made in writing within 10 working days of receipt of the outcome of the hearing.

If the staff member submits an appeal, he/she will be invited to an Appeal Hearing where their case will be heard. Both the staff member and the academy may wish to provide additional medical information for consideration at the Appeal Hearing.

The outcome of the Appeal Hearing will be confirmed in writing to the staff member. There is no further level of appeal.

Redeployment

There may be some instances where a member of staff is fit to return to work but not necessarily to the role they were originally employed to undertake. Redeployment is where a staff member is transferred into a suitable alternative post which they are able to undertake with or without reasonable adjustments and/or training. In respect of alternative work, managers are advised to look at any existing and near future vacancies in the academy in the first instance and discuss these with the staff member in terms of their eligibility (including consideration of reasonable adjustments and training, as appropriate).

If there is no suitable alternative post in the academy it may be possible to look for opportunities across the Trust. In cases of ill-health redeployment, academy-based staff can be given access to non-teaching vacancies from the date of a decision to dismiss, until the end of the notice period.

Ill-Health Retirement

It may be possible that a member of staff who is contributing to the West Yorkshire Pension Fund (WYPF) or Teachers' Pensions (TP), could be considered for Ill-Health Retirement. Ill-Health Retirement is when a staff member is considered permanently unable to do their job or any

comparable job with their employer. If a staff member seeks advice with regard to ill-health retirement he or she should be referred to Occupational Health. It is advised that Principals/Head Teachers and managers should seek support with this process from a Human Resources Advisor.

Support Staff

If appropriate, Occupational Health will advise the academy that they will support Ill-Health Retirement and will complete a Medical Certificate of Permanent Incapacity. This certificate is then forwarded to the WYPF alongside the appropriate documentation. In order to terminate the individual's employment, the academy will need to follow the process outlined in the medical Capability Hearing and dismiss on the Grounds of Medical Capability.

Teachers

If appropriate, Occupational Health will advise the academy that they will support Ill-Health Retirement however the process is significantly different to that of support staff. Occupational Health can only recommend Ill-Health Retirement, the final decision is made by TP. Under these circumstances the staff member will be required to apply for ill-health benefits, completing an application form and a medical evidence form.

Accrual of annual leave during sick leave

Staff have the right to accrue annual leave during sickness and to take this upon return or carry forward the annual leave into the next leave year. The time a staff member takes leave will be agreed by management in line with the needs of the academy.

Staff are entitled to 28 days (5.6 weeks) of statutory annual leave under the Working Time Regulations 1998. Therefore, the entitlement to statutory annual leave can be offset by any periods of academy closure, whether they occur before or after the period of sickness. Where there is insufficient academy closure time to allow the statutory annual leave to be taken, employers should allow the staff member to carry forward the leave to be taken in an academy closure.

Where a member of staff commences sick leave, the amount of 'leave' the member has had in the current leave year will be established by the amount of academy closure periods that have already occurred during the leave year. If this exceeds the entitlement to statutory annual leave there will be no further entitlement to leave. For more information, please speak to your HR Advisor.

Part II – Sick Pay Entitlement

Teachers

The amount of sick pay and the terms applicable for teachers are as in the Burgundy Book save for the rolling year entitlement detailed below.

Your entitlement to Occupational Sick Pay is based on aggregated teaching service with one or more Local Authorities or Academies and shall accrue as follows:

During 1 st year of service:	Full pay for 25 working days and after completing 4 months' service, half pay for 50 working days.
During 2 nd year of service:	Full pay for 50 working days and half pay for 50 working days.
During 3 rd year of service:	Full pay for 75 working days and half pay for 75 working days.
During 4 th and subsequent years:	Full pay for 100 working days and half pay for 100 working days.

All Occupational Sick Pay is calculated on a rolling yearly basis. Such periods exclude school holiday periods. In wholly exceptional cases BDAT may choose to make a further payment of sick pay. Such payment will be in the absolute discretion of BDAT and does not form part of any contractual entitlement.

Any absences during the twelve-month period preceding the first day of an absence are deducted from the relevant entitlement, in determining the period and rate to be paid in respect of a current absence.

Non-Teaching Staff

The amount of sick pay and the terms applicable for non-teaching staff are as set out in national agreements.

Your entitlement to Occupational Sick Pay is based on continuous service with BDAT and any predecessor school with whom you had continuity of employment by reason of TUPE and shall accrue as follows:

During 1st year: 1 month's full pay and (after completing 4 months' service) 2 months' half pay.

During 2nd year: 2 months' full pay and 2 months' half pay.

During 3rd year: 4 months' full pay and 4 months' half pay.

During 4th and 5th years: 5 months' full pay and 5 months' half pay.

After 5 years: 6 months' full pay and 6 months' half pay.

All Occupational Sick Pay is calculated on a rolling yearly basis. Such periods include school holiday periods. In wholly exceptional cases BDAT may choose to make a further payment of sick pay. Such payment will be in the absolute discretion of BDAT and does not form part of any contractual entitlement.

Any absences during the twelve-month period preceding the first day of an absence are deducted from the relevant entitlement, in determining the period and rate to be paid in respect of a current absence.

Resumption of Duties – Interpretation

In order to clarify ambiguity that surrounds the term 'resumption of duties', BDAT's interpretation of the phrase means that a member of teaching staff would have to have performed the substantive teaching duties contractually required before there is any new entitlement to Occupational Sick Pay. In the interests of fairness to all staff, a member of support staff will equally be expected to have resumed substantive duties before any entitlement to Occupational Sick Pay shall begin.

Sickness Absence Overlapping with the Disciplinary Policy

Other than cases of very short absences – it will not be appropriate to suspend a disciplinary or investigatory process because a member of staff is absent due to illness. It is contrary to the ACAS code of practice, government guidance and fairness to BDAT's other employees (including those off ill) to delay dealing with serious disciplinary matters.

BDAT will, where necessary, seek Occupational Health advice (which the employee must co-operate fully with) in order to ascertain whether the employee is fit to engage in the process. BDAT may consider reasonable steps including:

- Offering an alternative venue for the meetings/hearing;
- Allowing the member of staff to make written representation;
- Allowing extra time during the procedure for the member of staff to participate effectively.

The employee is obliged to co-operate fully with the Occupational Health process – should the employee fail to comply with their obligations (set out above) or fail to attend any investigation or disciplinary hearing without specific written medical evidence of their inability to participate in a disciplinary investigation/hearing (not simply a note of an inability to work) then Occupational Sick Pay may be suspended during such period until the employee either attends such an investigation or hearing or provides such evidence.

Where the employee is not fit to engage in the investigation process whatsoever, the investigation can still continue. It is in the discretion of BDAT how to proceed. However, in a situation where the employee is signed off by a medical professional as unable to attend an investigation or disciplinary hearing whatsoever (not simply signed as unfit to work) then BDAT may choose to provide a deadline for the employee to submit written representations and/or to have an employee or trade union representative attend a disciplinary hearing in their absence – and the process may proceed in the absence of the employee.

Sickness Absence Overlapping with the Capability Procedure

Other than for cases of very short absence, if an employee commences sick leave whilst subject to the BDAT Capability Procedure, the Capability Procedure should continue until specific medical advice is received which indicates that the employee is unable to participate in the Capability Procedure (not simply a note of inability to work).

Until the receipt of such specific medical advice, the employee will be expected to continue to participate in the Capability Procedure and to attend any scheduled meetings. A failure to do so shall result in the suspension of Occupational Sick Pay until such time as the employee attends a reconvened meeting (with no back pay due). SSP may continue to be payable during such period.

Absence triggered by the Capability Procedure will be referred immediately to Occupational Health by BDAT. The employee is obliged to co-operate fully with the Occupational Health process – and should the employee fail to comply with their obligations (set out above) then Occupational Sick Pay may be suspended during such period until the employee either attends such appointment, or provides such evidence.

Should the employee remain off work sick for a substantial length of time following the instigation of the Capability Procedure then BDAT may invite the employee to a Consideration Meeting. The employee is obliged to attend the Consideration Meeting (and any failure to attend – without specific medical evidence that the employee is incapable of attending (not simply a medical certificate of an inability to work) may result in the suspension of Occupational Sick Pay) and may be accompanied by a union representative or colleague. If the employee is unable to attend the Consideration Meeting then it may proceed in the employee's absence.

At the Consideration Meeting – BDAT will consider the employee's absence, the stage reached in the Capability Procedure, the medical advice received (both Occupational Health advice and any advice from the employee's own medical practitioner) and will take a view on whether it expects the employee to return to active service with BDAT. This meeting will cover the issues required for it to be the preliminary meeting specified in the Medical Capability process.

If at the Consideration Meeting BDAT considers that it is unlikely that the employee will return to active service with BDAT then BDAT may move to a Medical Capability Hearing.

Appendix 1

CONFIRMATION OF RETURN TO WORK

Return to work discussion: to be completed by Manager and individual on return to work.

Date of discussion:				
EMPLOYEE DETAILS				
Full Name:				
Job Title:				
Hours of work:				
ABSENCE DETAILS				
Start date of absence:				
Date of return:				
Reason for absence:				
Did the employee consult with his/her GP?	Yes	☐	No	☐
Did the employee receive any medication?	Yes	☐	No	☐
	If yes, please include details of medication			
Dates of absences in last rolling 12 month period				
Has the employee been updated on any issues that occurred during his/her absence?	Yes	☐	No	☐
If the period of absence has been long term does the employee require any additional support (eg phased return to work or retraining)?	Yes	☐	No	☐
Any issues that the employee wishes to				

raise following their recent absence?	
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Does the employee consider themselves to have a disability? Yes ☐ No ☐ If yes, please provide an explanation of the disability and if any support is required.
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Do any reasonable adjustments need to be considered? Yes ☐ No ☐ If yes, please provide details of the reasonable adjustments.

Has the employee received a fit note? Yes ☐ No ☐ If yes, are there any recommendations/adjustments to support the employee at work?

Is a referral to Occupational Health required? If yes, please complete the relevant referral form and send it to Occupational Health	Yes	☐	No	☐
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Details of support offered to employee (actions agreed, including timescales)				
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Has the employee met a review point: • 3 or more occasions of sickness in the last 6 months • 7 days of absence in the last 12 months	Yes	☐	No	☐
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• A continuous period of 4 weeks or more • Where a pattern of absence is causing concern e.g. every Friday/Monday				
If yes to the above question please state what stage you are up to within the Absence Management Procedure, e.g. stage 1, stage 2 or stage 3?				
If the employee has triggered and the line manager has decided not to start/progress with the Absence Management Procedure then please document the reasons why.				
Has the employee been made aware of future actions in accordance with the Absence Management Procedure if they are absent again in the near future?	Yes	☐	No	☐
Please include any additional information discussed at the return to work discussion.				
I understand that this information will be used for the purposes of recording and monitoring sickness absence.				

Signed Employee		Date
Signed Manager		Date

Once RTWI is complete, this form should be filed in the absentee's personal file

SELF CERTIFICATE ABSENCE FORM

Name of employee:	Job title:		
Department:	Date joined organisation:		
First day of absence:		<u>Date</u>	
Last day of absence:			
Date of return to work:			
Total time absent:	days	hours	
This form must be completed by each employee on return to work following an absence of less than seven days. Please give details of the reason for your absence (sick or illness is not enough): When did you notify the company of your sickness? Whom did you notify? Did you consult your doctor? Yes / No Did you obtain a medical certificate? [if Yes, please attach] Yes / No			
Please provide any further relevant information:			

Are you taking any medication?	Yes / No
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If Yes, please provide details:

If Yes, have you been advised of any side effects that could affect your work or may be a safety hazard?

Yes / No

If Yes, please provide details:

Declaration

I certify that the above is a complete and accurate record of my sickness. I understand that if I provide inaccurate or false information about my absence, with the intention to mislead, this will result in disciplinary action and will affect my entitlement to sick pay.

I understand these details will be held in confidence by the Company and may be used for the following purposes in compliance with the Data Protection Act 2018 and GDPR 2018:

- ensuring the health, safety and welfare at work of myself and other workers
- the avoidance of discrimination on the grounds of disability
- maintaining SSP
- supplying information on accidents where industrial injury benefits may be payable
- ensuring the company is able to monitor and deal fairly with attendance and absence issues.

Date:

Signature:

For completion by Line Manager:

Has a return to work discussion been held?

Yes / No

Date:

Signature of line manager:

Name of line manager:

NOTE: Data Protection Act 2018 and GDPR 2018

When completed, this form may contain sensitive personal data as defined by the Data Protection Act 2018 and GDPR 2018. It must be kept secure and confidential.