
Policy Name:	Staff Sickness Absence Policy
Policy Type:	Non statutory
To Be Reviewed:	Biennially
Approved by:	Educational Standards Committee
Date:	07/12/23
Adopted by:	Board of Trustees

Aims:

This Sickness Absence Policy sets out procedures for reporting sickness absence and for the management of sickness absence in a fair and consistent way whilst recognising the impact of absence on teaching and learning and other aspects of the work of our schools. This policy places emphasis on proactive support for employees in the event of ill health difficulties. This policy does not form part of any employee's contract of employment and it may be amended at any time. Procedures set out in this policy, including any time limits, may be varied as appropriate in any case.

The Trust is committed to creating an environment where employees are able to raise concerns about their health and any impact upon work, and to ask for support and appropriate adjustments.

The Executive Head teacher is responsible for monitoring the implementation of the procedure to ensure that the procedure is communicated to employees and that it is applied consistently. Levels of sickness absence will be monitored and identify areas where the work of the Trust, in particular the continuity of teaching and learning, is being affected by absence levels.

Sickness absence may result from a disability under the Equality Act 2010. Reasonable adjustments to this procedure may be considered in appropriate cases, depending on the specific circumstances. HR advice should be obtained where the line manager considers the employee is likely to have a disability.

All formal meetings detailed in this policy will be held in line with the Trust scheme of Delegation.

Employees' Responsibilities

Employees must attend work when fit to do so.

Employees must follow the notification of Sickness Absence procedure for their School.

If an employee does not report for work, and has not explained the reason for absence, then the employee should expect to be contacted. Where we are unable to get in contact with an absent employee we will consider appropriate steps such as contacting next of kin to ensure the employee is safe. Absence that has not been notified in accordance with the sickness absence reporting procedure will be treated as unauthorised absence will be unpaid and may lead to action under the Trust's Disciplinary Policy.

All employees must complete a self-certification form detailing the reason for absence for any period of sickness absence up to seven days. The self-certification form will be provided by the HR department to the member of staff and line manager and must be completed immediately on return to duty and return to work.

A medical certificate (a 'Statement of Fitness for Work' hereinafter called a 'Fit Note') must be provided from the eighth day of absence (including Saturdays and Sundays). This should be provided to the line manager as soon as possible and, if absence continues further, Fit Notes should be provided to cover the whole period of absence. Failure to do so may result in non-payment of sick pay (where applicable) and/or disciplinary action if appropriate. Employees must continue to submit Fit Notes during School closure periods.

Illness or Injury Arising from Work

Any accident however minor, arising out of, or in the course of, employment with the Trust must be reported and recorded in accordance with the required procedures. The accident may be subject to investigation and reported by an employee authorised for this purpose by the Trust.

Where an employee seeks medical advice about an illness which is suspected or alleged to result from the nature of his or her employment, the employee must report relevant information to the Executive Head teacher, Head teacher or the HR Director at the first opportunity.

General Return to Work Arrangements

Where an employee returns to work on a part time basis following long-term sickness absence, with the expectation that they will be able to work their full contractual hours (or other such amended contractual hours as agreed) within a reasonable period of time, then, in accordance with medical advice provided by the Occupational Health report or GP, employees will be paid full pay for the first 4 weeks of a phased return to work and for the actual hours worked after this, this amendment will be made once in any 12 month period.

If the employee returns to work with a Fit Note which states 'may be fit for work', the employee should notify their manager immediately. The advice on the note will be discussed together with any additional measures that may be needed to facilitate the employee's return to work, taking into account the doctor's advice.

If a return to work is possible, the agreed action plan will be documented and implemented. If it is not possible to provide the support suggested by the doctor, the employee will remain on sick leave and will not normally need to return to their doctor to obtain a revised Fit Note unless this is required in the circumstances.

Consideration will be given as to whether a risk assessment is required to ensure the health and safety of the employee in light of the reason for their ill health.

Unauthorised Absence

Unauthorised absence will be dealt with under the Disciplinary Procedure and could result in disciplinary action which may include dismissal.

The provision of any false information will be dealt with under our Disciplinary Procedure and could result in disciplinary action, which may include dismissal.

Attendance at Meetings

The member of staff must take all reasonable steps to attend any meetings requested. Failure to do so without good reason may be treated as misconduct. Employees will not be entitled to attend informal meetings under this policy with a trade union representative or

work place colleague. At all formal meetings employees may be accompanied by a Companion. If the employee (and/or their companion) is unable to attend at the time specified the member of staff should immediately inform their line manager who will normally seek to agree an alternative time. Meetings will not normally be postponed beyond five days.

Informal Procedure

Return to Work Discussion The line manager will normally have a discussion with the employee on their return from a period of sickness absence. The purpose of this discussion is to determine the reason for the absence and, where appropriate, offer assistance and support. It is also an opportunity to identify any difficulties that the employee is experiencing in carrying out the duties of the post and gives the employee an opportunity to raise any concerns or questions and bring any matters to the manager's attention.

The return to work discussion should be held in private after a period of sickness absence, though it need not be long. When a note of the matters discussed at the meeting is made to record any action points, the employee will be provided with a copy.

Informal Sickness Absence Meetings:

Informal sickness absence meetings may be arranged with employees whenever it is considered necessary including, for example, if the employee has had:

- 4 occasions in one year
- 2 occasions in 3 months
- 10 working days in 12 months (pro rata for part time employees)
- unacceptable patterns of absence

Adjustments may need to be considered where the employee is considered to have a disability that is impacting upon their attendance and Occupational Health can advise further although it is for the manager to decide what adjustments are reasonable.

The purpose of the meeting is to agree a way forward, any action that will be taken and a timescale for review and/or a further meeting under the sickness absence procedure if this is required.

There is no entitlement for the employee to be accompanied by a Companion at an informal sickness absence meeting. A note taker may be present but that will not normally be necessary.

Monitoring Period following Informal Sickness Absence Meeting:

After conducting a sickness absence meeting, the line manager will review or monitor the employee's attendance for a further period, normally this will be for a period of not less than three months and no longer than nine months. Further meetings may take place during the monitoring period if there are further instances of sickness absence.

The line manager will:

- Assess the employee's absence record and its impact;
- Attempt to establish reasons for any on-going absence/s
- Offer any assistance to the employee (e.g. Occupational Health, Westfield Health/Counselling)
- Consider what, if any, measures might improve the employee's health and/or attendance with a view to supporting the employee and improving the employee's attendance record.

During the monitoring period a medical certificate may be required for any period of absence.

Where the line manager is of the view that the employee's attendance has not improved to an acceptable level after the review period, the line manager should inform the employee that the issue will:

- Be referred to Stage 1 of the formal procedure. A letter requiring attendance at a Stage 1 meeting will be sent to the employee; or if there are exceptional circumstances and it is appropriate to do so, extend the review period.

Formal Procedure

There are two stages in the formal process. The type of case (i.e. short or long-term absence) will determine the need to move either through the stages (short-term absence), or, in some circumstances, directly to Stage 2 (for example long-term absence). The procedure can end at any point in the process if there is sustained improvement. If further unacceptable periods of absence arise within 12 months of a Stage 1 meeting being held, the procedure may resume at Stage 2.

Stage 1 Meeting:

At the Stage 1 meeting the appropriate manager will explain the purpose of the meeting. The following points are by way of guidance only:

- Discuss the reasons, including any underlying causes for the employee's absence
- Discuss the impact of the employee's absence;
- Review the results of the informal procedure, including any measures taken to support the employee so far. Include any reasonable adjustments if appropriate, any work related issues and consider the content of any medical reports and advice received;
- Discuss the likelihood of further absences, if absent on a number of occasions or how long the absence is likely to last, if absent on long-term sickness absence
- Seek agreement from the employee for a referral to Occupational Health if this is required and/or appropriate in the circumstances
- Consider possible redeployment opportunities and whether any adjustments can reasonably be made, if appropriate, to assist in redeploying the employee
- Where the employee is able to return from long-term sick leave, whether to their job or a redeployed job if possible and/or appropriate, agreeing a return to work programme
- Give the employee and/or any Companion the opportunity to explain any mitigating circumstances
- If appropriate, inform the employee that they may wish to consult their pension scheme provider with regard to ill health benefits.
- Decide whether to issue a written warning in line with the disciplinary procedure for failure to improve attendance following the informal stage.
- Discuss the way forward and determine an action plan that clearly identifies the improvements necessary to achieve satisfactory levels of attendance.
- The timescale for improvement

- How attendance will be measured/monitored
- Any additional support/training to be provided; and the review period.

Stage 1 Review Period Evaluation

If, at the end of the review period, the employee's level of attendance has improved to acceptable standards, no further action will be taken under this procedure, unless an acceptable level of attendance is not sustained during the next 12 months.

If, at the end of the review period, the employee's attendance has not improved to acceptable standards then:

- The issue will be referred to the Head teacher (or appropriate person in line with the scheme of delegation) under Stage 2 of the procedure; or
- In exceptional circumstances, if appropriate, the review period will be extended.

Where the employee is in a Pension Scheme it may be appropriate to explore eligibility for an ill health pension award prior to convening a Stage 2 Meeting.

Stage 2 Meeting

At the meeting the chair (appointed in line with the scheme of delegation) may (with advice from an HR Adviser where necessary) and by way of guidance only:

- Explain the purpose of the Stage 2 meeting
- Ask the appropriate manager to outline:
 - The ways in which the employee has been assessed as not meeting the expected levels of attendance due to ill-health;
 - The process so far under the [sickness absence] procedure;
 - Any opportunities for return or redeployment that have been identified and where identified, the outcome of discussions with the employee

Review, as appropriate:

- Levels of attendance expected;
- Notes of the formal Sickness Absence meetings, records of home visits or other meetings plus any other information relating to the informal action taken;
- The previous monitoring of attendance and steps taken under any appropriate action plans;
- Medical advice received from Occupational Health or other medical specialists if applicable; and measures taken by management to support the employee, e.g. reasonable adjustments if applicable
- Discuss with the employee and their companion whether the employee has been assessed as achieving the required improvements in attendance
- Review the effect of the unsatisfactory level of attendance on teaching and learning, service delivery and work colleagues
- Explore, as appropriate, the potential for the employee to achieve a sustained improvement in attendance

- Give the employee and/or their companion opportunity to answer the points made and to give an explanation or put forward any mitigating circumstances.

Stage 2 Decision

Following the discussions the Chair will adjourn the meeting to consider the options available including, without limit and for guidance only:

- To take no further action under the procedure;
- To issue a final written warning
- To set a further/final review period to allow for additional monitoring and/or additional management support. A further Formal Stage 2 meeting may be held at the end of this review period. If attendance is not satisfactory by that time then the employee may be dismissed; If, at the end of this review period, the employee's level of attendance has improved to acceptable standards, no further action will be taken under this procedure, unless an acceptable level of attendance is not sustained during the next 12 months. If there are further unacceptable periods of absence the Sickness Absence Procedure may be invoked at Stage 2. A copy of the letter outlining this will be kept on the employee's personnel file for 12 months.
- To dismiss the employee for lack of capability due to ill-health, ensuring that alternative work options have already been explored or will be explored during the employee's notice period, that there is no prospect of their return within a reasonable timeframe, or that they will be able to achieve or sustain their attendance.

Dismissal

If the decision at the Stage 2 (or a deferred Stage 2 meeting if applicable) is to dismiss the employee, the Head teacher (or appropriate person in line with the scheme of delegation) will inform the employee and their Companion, that the employee is dismissed, with the required contractual or statutory notice.

Appeals

An employee has the right to appeal against a dismissal decision and any formal warning details of which will be given in the outcome letter. Any appeal must be submitted within 5 days of receipt of the letter confirming the dismissal, and must clearly state the grounds for appeal. All appeals against dismissal will be heard by an appointed person in line with the trust scheme of delegation.

The purpose of an appeal hearing is to review the decision made to dismiss the employee and to decide if this decision was reasonable in all the circumstances. The appeal hearing will be held as soon as practicable, and the employee will have the right to representation at the hearing by a Companion.

The Appeal Hearing will be arranged in line with the Trust scheme of delegation:

- Uphold the appeal (i.e. to reinstate the employee)
- Issue a lesser level of management action, e.g. to drop the formal process
- Refer to a lower stage in the formal process
- Reduce standards of attendance or targets set in the action plan; or dismiss the appeal, i.e. the decision to dismiss remains in force.

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. The decision of the Appeal Chair in line with the scheme of delegation. The employee has no further right of appeal.