

## Human Resources

# Sickness Absence Policy

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## 1. Introduction

- 1.1 This policy sets out our procedures for reporting sickness absence and for the management of sickness absence in a fair and consistent way.
- 1.2 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).
- 1.3 We wish to ensure that the reasons for sickness absence are understood in each case and investigated where necessary. In addition, where needed and reasonably practicable, measures will be taken to assist those who have been absent by reason of sickness to return to work.
- 1.4 This policy does not form part of any employee's contract of employment, and it may be amended at any time following consultation.
- 1.5 As part of the application of this policy, the Trust will collect, process and store personal data and special categories of personal data in accordance with our data protection policy. We will comply with the requirements of Data Protection legislation (being (i) the General Data Protection Regulation ((EU) 2016/679) (unless and until the GDPR is no longer directly applicable in the UK) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998, including the Data Protection Act 2018), in relation to how we collect, hold and share special category personal data. Records will be kept in accordance with our Workforce Privacy Notice, our Retention and Destruction Policy and in line with the requirements of Data Protection Legislation.

## 2. Scope and purpose

- 2.1 This policy has been agreed in consultation with the recognised trade unions and covers all employees of the Trust at all levels and grades regardless of status, with the exception of those employees who are in their probationary period.
- 2.2 The purpose of the policy is to ensure that staff understand the expectations of the Trust in terms of attendance at work. In applying this policy, we aim to ensure that attendance is managed appropriately and consistently and that employees receive relevant support.

## 3. Definitions and absence review points

- 3.1 Short-term sickness absence - any absence that lasts between a half and 20 days (four working weeks).
- 3.2 Long term sickness absence – any absence that lasts for a continuous period of longer than 20 days (four working weeks).

### Short-term absence

- 3.3 Sickness absence will be reviewed if any of the following apply:

- (a) 3 occasions in a rolling 6-month period

(b) 4 occasions in a rolling 12-month period

(c) 12 days in a rolling 12 months

#### Long-term absence

- 3.4 The review point for long-term absence is considered to be 4 weeks, although, the circumstances of each absence will be carefully considered. Contact will be maintained during the absence and a referral to occupational health may be made at any point. The aim of support will be to assist a return to work wherever possible.
- 3.5 The policy may still be applied where the employee persistently falls just below the trigger points and where the absence is perceived to be a problem. The absence triggers will be pro rata for part time employees
- 3.6 Monthly sickness trends will be monitored by the central Trust team and HR.

## **4. Disabilities**

- 4.1 The Trust is 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.

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

- 5.1 All employees are required to follow the reporting procedure set out below.
- 5.2 If you are taken ill or injured whilst at work, you should report this to your Principal / Manager. Managers should contact a Senior Manager to make arrangements for anyone who is unwell to be accompanied home and / or to receive medical treatment, where necessary.
- 5.3 If you cannot attend work because you are ill or injured, you should telephone the absence reporting number in the Academy / Trust (where applicable) by no later than 7.30am. You should also contact your Manager as early as possible. The following details should be provided:
- (a) The nature of your illness or injury
  - (b) The expected length of your absence from work
  - (c) Any outstanding or urgent work that requires attention, including information in relation to student work that needs covering
- 5.4 You should notify the Academy / Trust regarding your intended return to work following your recovery from illness.
- 5.5 Contacting by text message or email is not acceptable.

5.6 Managers should ensure that:

- (a) Any sickness absence that is notified to them is recorded and reported to the Academy's office/ HR Administrator.
- (b) Arrangements are made, where necessary, to cover work and to inform colleagues (while maintaining confidentiality).

5.7 You should expect to be contacted during your absence by your Principal/ Manager or HR who will want to enquire after your health and be advised, if possible, as to your expected return date.

## 6. Evidence of incapacity

6.1 For sickness absence of up to seven calendar days you must complete a self-certification form on your return to work which is available from the Academy's office / HR or alternatively, the form may be downloaded from:

<https://www.gov.uk/government/publications/statutory-sick-pay-employees-statement-of-sickness-sc2>

6.2 For absence of more than a week you must obtain a certificate from your doctor (a 'Statement of Fitness for Work') stating that you are not fit for work and the reason(s) why. This should be forwarded to the Academy's Office / HR as soon as possible. If your absence continues, further medical certificates must be provided to cover the whole period of absence.

6.3 If your doctor provides a certificate stating that you "may be fit for work" you should inform your Manager and / or HR immediately. We will discuss with you any additional measures that may be needed to facilitate your return to work, taking account of your doctor's advice. This may take place in a return-to-work meeting. If appropriate measures cannot be taken, you will remain on sick leave and we will set a date to review the situation.

6.4 Where an employee is absent immediately prior to a school closure period, they will continue to be deemed as being absent for the purposes of recording sickness and statutory and/or contractual sick pay during the closure period, unless they provide a self-certification form or fit note indicating they are fit to return to work.

## 7. Unauthorised absence

7.1 Cases of unauthorised absence may be dealt with under our Disciplinary Procedure.

7.2 Absence that has not been notified according to the sickness absence reporting procedure will be treated as unauthorised absence.

7.3 If you do not report for work and have not telephoned your Manager and, where applicable, the absence line to explain the reason for your absence, your Manager or HR will try to contact you, by telephone and in writing, if necessary. This should not be treated as a substitute for reporting sickness absence.

## 8. Sick pay

8.1 You should refer to your contract for details of the sick pay to which you are entitled.

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

## 9. Keeping in contact during sickness absence

9.1 If you are absent on sick leave you should expect to be contacted from time to time by your Manager or HR in order to discuss your wellbeing, expected length of continued absence from work and any of your work that requires attention. Such contact is intended to provide reassurance and will be kept to a reasonable minimum.

9.2 If you have any concerns while absent on sick leave, whether about the reason for your absence or your ability to return to work, you should feel free to contact your Manager or HR, at any time.

## 10. Medical examinations

10.1 We may, at any time in operating this policy, ask you to consent to a medical examination by our Occupational Health adviser or a doctor nominated by us (at our expense).

10.2 You will be asked to agree that any report produced in connection with any such examination may be disclosed to us and that we may discuss the contents of the report with our advisers and the relevant doctor.

10.3 Failure to agree to a reasonable request may result in decisions being made in the absence of medical information. In some circumstances this may impact on your sick pay allowance and may be considered under the Disciplinary Policy.

10.4 In the event of a difference of opinion between an employee's doctor and the Trust's Occupational Health Advisers regarding an employee's fitness for work, functional capacity or the existence of an underlying medical condition contributing towards persistent absences, the Occupational Health Adviser's advice will normally take precedence. In some cases, an independent medical adviser may be asked to give a second opinion.

10.5 This process is in line with our Workforce Privacy Notice which sets out how we will gather, process and hold special category personal data of individuals during employment.

## 11. Return-to-work

11.1 On return from sick leave, we will arrange for you to have a return-to-work interview with your Manager or HR.

11.2 The format for a return to work meeting is referenced in Appendix 1 and should be completed within the SAM People system.

11.3 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.

11.4 Where your doctor has provided a certificate stating that you “may be fit for work” we will usually hold a return-to-work interview to discuss any additional measures that may be needed to facilitate your return to work, taking account of your doctor's advice.

## 12. Returning to work from long-term sickness absence

12.1 We are committed to helping employees return to work from long-term sickness absence. As part of our sickness absence meetings procedure, we will, where appropriate and possible, support returns to work by:

(a) Obtaining medical advice;

Making reasonable adjustments to the workplace, working practices and working hours, including a time-limited phased return to work;

(b) Considering redeployment;

(c) Agreeing a phased return to work programme, if appropriate, of up to four weeks.

(d) Agreeing a temporary or permanent reduction in hours.

12.2 A phased return to work will often be a recommendation of an Occupational Health Adviser or the employee's doctor. Employees will receive their full pay on the phased return.

12.3 Phased returns to work should be for a maximum of 4 weeks. In the event that an employee requests that the phased return is extended beyond the 4 weeks, a dialogue may be held with the employee with regard to a temporary contractual change being made to their working hours to accommodate their request and their pay should be adjusted accordingly;

## 13. Sickness absence meetings procedure

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

(a) Have been absent due to illness on a number of occasions exceeding the review points;

(b) Have discussed matters at a return-to-work interview that require investigation; and/or

(c) Have been absent for more than four weeks.

13.2 Unless it is impractical to do so, we will give you 10 days 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.

13.3 The meeting will be conducted by an appropriate person or people dependent on the level of potential sanction. You may bring a Trade Union representative or work colleague with you to the meeting (see paragraph 14).

Stage 1 – 1st written warning	In accordance with the Scheme of delegation
Stage 2 – Final written warning	In accordance with the Scheme of Delegation
Stage 3 - Dismissal	In accordance with the Scheme of Delegation
Appeals	In accordance with the Scheme of Delegation

- 13.4 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 Trade Union representative or work colleague are unable to attend at the time specified, you should immediately inform your Principal or HR who will seek to agree an alternative time.
- 13.5 A meeting may be adjourned if we are awaiting receipt of information, need to gather any further information or give consideration to matters discussed at a previous meeting. You will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.
- 13.6 Confirmation of any decision made at a formal meeting, the reasons for it, and of the right of appeal will be given to you in writing within 5 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).
- 13.7 If, at any time, we consider that you have taken or are taking sickness absence when you are not unwell, the matter may be investigated as a conduct matter under our Disciplinary Procedure.

## 14. Right to be accompanied at meetings

- 14.1 You may bring a Trade Union representative or work colleague to any meeting or appeal meeting under this procedure.
- 14.2 You should provide their details to your Principal / Manager / HR or the person conducting the meeting, in good time before it takes place.
- 14.3 Employees are allowed reasonable time off from duties without loss of pay to accompany you. However, they are not obliged to accompany you and may decline a request if they so wish.
- 14.4 We may, at our discretion, permit other companions (for example family members) where this will help to overcome particular difficulties caused by a disability or difficulty understanding English.
- 14.5 In certain circumstances, work colleagues may not be allowed: for example, anyone who may have a conflict of interest, or whose presence may prejudice a meeting.
- 14.6 A Trade Union representative or work colleague 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 at any time during a meeting.

## 15. Stage 1: first formal sickness absence meeting

- 15.1 This will follow the procedure set out in paragraphs 13 and 14 regarding the arrangements for and right to be accompanied at sickness absence meetings.
- 15.2 The purposes of a first formal sickness absence meeting may include:

- (a) Discussing the reasons for absence(s).
- (b) Where you are on long-term sickness absence, determining how long the absence is likely to last.
- (c) Where you have been absent on a number of occasions, determining the likelihood of further absences.
- (d) Considering whether medical advice is required or, if already obtained, what that advice is.
- (e) Considering what, if any, measures might improve your health and/or attendance.
- (f) Consider the impact of your absence
- (g) Determining a way forward, action that will be taken and a timescale for review and/or a further meeting under the sickness absence procedure.
- (h) Issuing a first written warning that your employment may be at risk if your attendance does not improve, or you do not return to work. This warning if given would last for six months.

## 16. Stage 2: further formal sickness absence meeting(s)

16.1 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 of the sickness absence procedure will follow the procedure set out in paragraphs 13 and 14 regarding the arrangements for and the right to be accompanied at sickness absence meetings.

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

- (a) Discussing the reasons for and impact of your ongoing absence(s).
- (b) Where you are on long-term sickness absence, discussing how long your absence is likely to last.
- (c) Where you have been absent on a number of occasions, discussing the likelihood of further absences.
- (d) 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.
- (e) Considering your ability to return to/remain in your job in view both of your capabilities and the needs of the Academy and any adjustments that can reasonably be made to your job to enable you to do so.
- (f) Considering possible redeployment opportunities and whether any adjustments can reasonably be made to assist in redeploying you.
- (g) 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 of up to four weeks.
- (h) 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.

- (i) 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.
- (j) 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. This would remain live for 12 months.

## 17. Stage 3: final sickness absence meeting

17.1 Where you have been warned that you are at risk of dismissal and the required improvement in your attendance 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 follow the procedure set out in paragraphs 13 and 14 regarding the arrangements for and the right to be accompanied at sickness absence meetings.

17.2 The purpose of the meeting will be:

- (a) To review the meetings that have taken place, the matters discussed, and warnings issued.
- (b) Where 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, either as regards your possible return to work or opportunities for return or redeployment.
- (c) To consider any further matters that you wish to raise.
- (d) To consider whether there is a reasonable likelihood of you returning to work or achieving the desired level of attendance in a reasonable time.
- (e) To consider if ill health retirement is a possibility where medical advice is clear it is unlikely that an employee will be fit to return to their role in the near future
- (f) To consider the impact of your absence.
- (g) To consider the possible termination of your employment.

17.3 Termination will normally be with full notice or payment in lieu of notice.

## 18. Appeals

18.1 You may appeal against the outcome of any stage of this procedure, and you may bring a Trade Union representative or work colleague to an appeal meeting (see paragraph 14).

18.2 An appeal should be made in writing, stating the full grounds of appeal within five days of the date on which the decision was sent to you.

18.3 Unless it is not practicable, you will be given 10 days 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.

- 18.4 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.
- 18.5 An appeal meeting will be conducted by an appropriate person or people in accordance with the Trust's Scheme of Delegation.
- 18.6 Depending on the grounds for appeal, an appeal meeting may be complete rehearing of the matter or a review of the original decision.
- 18.7 Following an appeal, the original decision may be confirmed, revoked or replaced with a different decision. The final decision will be confirmed in writing within 5 days of the appeal meeting. There will be no further right to appeal.
- 18.8 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 of service or pay.

## 19. Review of policy

- 19.1 This policy is reviewed bi-annually (every 2 years) by the Trust in consultation with the recognised trade unions. We will monitor the application and outcomes of this policy to ensure that it is working effectively.

## APPENDIX 1

### RETURN TO WORK FOLLOWING ABSENCE

CONFIDENTIAL

(EMPLOYEE TO COMPLETE THIS PART)

Name of employee:	
Job title:	
First day of absence:	
Last day of absence:	
Nature of illness:	
Was a doctor consulted? Note you should obtain a doctor's certificate if the illness lasts for more than 7 calendar days.	YES / NO
Was a medical certificate obtained?	YES / NO
Do you believe the absence was due to a disability, accident at work or illness caused by work?	YES / NO
If yes give details (continue overleaf if required)	

I certify that I was absent from work on account of illness/injury as stated above for the period shown. I accept that a knowingly false statement may lead to disciplinary action being taken against me.

Signature of employee:	Date:
Review and signature of manager:	Date:

LINE MANAGER TO COMPLETE

A discussion has taken place and issues identified or support offered include:
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I have carried out a return-to-work interview with this employee as required by the sickness absence procedure..

Signature of line manager:	Date:
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WITHIN TWO DAYS OF YOUR RETURN