

Sickness Absence Management Policy

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1. Introduction

- 1.1.** From time to time employees may suffer ill health and it is essential that we care for them during this time. The quality of provision, the effectiveness of the school services and our overall performance as a Trust depends on a reliable, motivated and healthy workforce. Managing sickness properly enables the Trust to care for its employees appropriately and maintain high standards for students. As part of the Trust values, we aim to deal with absenteeism in an effective and sensitive way.
- 1.2.** The Trust will act within the law at all times when managing absence and will always seek to make reasonable adjustments to retain staff and support attendance. Every case of absence will be different, depending upon the circumstances.
- 1.3.** The aim is to provide a procedural framework to clarify the approach the Trust will take in addressing absenteeism due to sickness and to assist managers with managing periods of absence of employees and supporting employees effectively to return to work.
- 1.4.** Managing sickness is not about punishing or penalising employees for being ill. It is about ensuring sickness absence is dealt with sensitively, fairly and effectively. There can be many causes of absence requiring different approaches.
- 1.5.** A separate policy entitled Leave of Absence policy covers planned and requested absence. Employees should refer to this policy for information regarding the process and allowances for planned absence.

2. Reporting Sickness Absence

2.1. On the first three days of absence:

- 2.1.1.** You must notify your Headteacher/Line Manager person every day in accordance with your School's procedures, giving them the reason for your absence and, where possible, your expected date of return. If you are absent due to sickness you must speak to your Headteacher/Line Manager to let them know of your absence.
- 2.1.2.** It is important that you speak to your Headteacher/Line Manager in person by the school's agreed time so they can properly record your reasons for absence and discuss any support needed or work which needs to be covered.
- 2.1.3.** There will of course be exceptional circumstances, such as if you are in hospital, when someone else will need to phone on your behalf.

2.2. On the fourth working day of absence:

- 2.2.1.** If you are still unfit for work, you must notify your Headteacher/Line Manager of the situation regarding your absence and whether you have contacted your doctor. This may be done by email.
- 2.2.2.** If possible, you should give some indication as to the expected date of your return to work.

2.3. After 7 calendar days absence:

- 2.3.1.** If you are still unfit for work, you must notify the Headteacher/ Line Manager of the situation regarding your absence.
- 2.3.2.** You must submit a medical certificate (fit to work note) as soon as possible and it is advised that you keep a copy.
- 2.3.3.** You must continue to submit medical certificates to cover your continued absence.
- 2.3.4.** If your Headteacher/Line Manager is not kept appropriately informed, they will need to contact you in order to ensure the smooth running of the school and Trust.
- 2.3.5.** If your absence is as a result of an injury at work, you must inform the designated person so that they can ensure that an accident report is completed and notify the Health & Safety Executive if appropriate.

3. Absence Recording

- 3.1. All absence is recorded.
- 3.2. It is important when recording or keeping data relating to either sickness or accident reports that the requirements of the Data Protection code of practice are adhered to.
- 3.3. As a rule when considering records and information kept on employees, managers should ensure that they can justify having the information and using it for a relevant purpose. This can be done by:
 - 3.3.1. Ensuring that the holding and use of sickness and accident records satisfies a sensitive data condition.
 - 3.3.2. Only disclosing information from sickness or accident records about an employee's illness, medical condition or injury, where there is a legal obligation to do so, where it is necessary for legal proceedings or where the employee has given explicit consent to disclosure.
 - 3.3.3. Not making the sickness, accident or absence records of employees available to other staff, other than to provide managers with information about those who work for them in so far as this is necessary for them to carry out their managerial roles.

4. Payment

- 4.1. If you are absent from work through reasons of ill health you are entitled to a period of Statutory Sick Pay (SSP). The level and amount of SSP is dependent on government rules at the time of absence. The Trust also has an Occupational Sick Pay (OSP) scheme where generally you will benefit from a period of fully paid leave followed by a period of half-paid leave. The length of full and half-paid leave will depend on your length of service. If you are absent from work for a period which exceeds your full and half pay entitlements you may be eligible to a further period of state benefits (Statutory Sick Pay). If at any time you wish to know your remaining entitlement, please contact the Trust HR Team.
- 4.2. Details of the Statutory Sick Pay Scheme can be located here: <https://www.gov.uk/statutory-sick-pay/overview>

5. Teachers OSP

- 5.1. As stated in the Conditions of Service for School Teachers in England and Wales (known as the 'Burgundy Book'), provided the appropriate conditions are met, a teacher absent from duty owing to their illness (which includes injury or other disability) shall be entitled to receive in any one year sick pay as follows:

During the first year of service	Full pay for 25 working days and, after completing four calendar months' service, half-pay for 50 working days.
During the second year of service	Full pay for 50 working days, and half-pay for 50 working days
During the third year of service	Full pay for 75 working days, and half-pay for 75 working days
During the fourth and successive years	Full pay for 100 working days, and half-pay for 100 working days.

- 5.2. For the purpose of the teachers' sick pay scheme, "service" includes all aggregated teaching service with one or more Local Education Authorities or Academy Trusts.
- 5.3. For the purpose of this scheme, "working days" means teaching and non-teaching days within "directed time", as specified in the School Teachers' Pay and Conditions Document.

6. Support Staff OSP

- 6.1.** Under the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service, employees are entitled to receive sick pay for the following periods:

During the first year of service	1 month's full pay and, after completing 4 months' service, 2 months half-pay.
During the second year of service	2 months full pay and 2 months half-pay.
During the third year of service	4 months full pay and 4 months half-pay.
During the fourth and fifth year of service	5 months full pay and 5 months half-pay.
After five years' service	6 months full pay and 6 months half pay.

- 6.2.** For the purpose of the sick pay scheme applicable to support staff, "service" normally means continuous service with one or more Local Education Authorities or Multi Academy Trusts.
- 6.3.** One month's pay includes all earnings that would be paid during a period of normal working, but excluding any payments not made on a regular basis.

7. Medical Certification and Medical Opinion

- 7.1.** If your absence is for eight calendar days or more, then you must obtain a medical certificate from your GP or other appropriate Doctor and send this to your Headteacher/Line Manager. Sickness certification is required to receive payment during sickness absence. During prolonged absence from ill health or continuous or recurring absences, the Trust may seek an independent medical opinion as to the capability to fulfil your contract of employment. Where this is the case, you will be approached with a request for an independent medical practitioner to contact your GP to enable an Occupational Health consultation to take place. It is an expectation that staff will co-operate with the Occupational Health process.
- 7.2.** If you are aware that you are suffering from, or in contact with somebody who is suffering from, an infectious disease, you must inform your Headteacher/Line Manager as soon as reasonably practicable. The Trust may at its discretion, and after taking appropriate medical advice, require you not to attend your workplace in order to prevent the spread of the disease.
- 7.3.** In the event of a staff member being unable to carry out their planned teaching duties through ill health, cover arrangements may necessitate the reallocation of an alternative employee with similar academic expertise. Co-operation will be required where cover arrangements are in place.

8. Absence management procedure

- 8.1.** For the purposes of this document, absence is categorised into 3 types that predominantly occur. The types of absence are:
- 8.1.1.** Long-term absence
 - 8.1.2.** Short term intermittent absence
 - 8.1.3.** Unauthorised absence

9. Return to work meetings

- 9.1.** A return to work meeting is an opportunity for the Headteacher/Line Manager to ascertain the reason for the sickness absence and the likelihood of the sickness re-occurring. Furthermore, the manager must be assured that the employee is well enough to work and whether that work is on normal day-to-day duties or on an adjusted role. See Appendix 2 for Return to Work Meeting form.
- 9.2.** A return to work meeting must be conducted following every sickness related absence.

- 9.3. The aim of return to work meetings is to help the staff member to improve their attendance at work. At all times during the absence management process managers must take into account the need for reasonable adjustments for staff with a disability and for staff whose absence is pregnancy- related. Managers should take into consideration the need for independent medical advice and speak to the Trust HR Team if absence is, or may be, related to a disability.
- 9.4. From time to time employees may experience difficulties in balancing work and home pressures, leading to sickness absence. If Headteachers/Line Managers become aware that such factors may be causing sickness absence, please contact the Trust HR Team for additional support.
- 9.5. If you suspect an employee may be suffering from alcohol, drug and or / substance misuse, please consult the Trust HR Team. It is essential for this process to be managed effectively and consistently to provide appropriate support to the employee.
- 9.6. If, for reasons of confidentiality or sensitivity, an employee does not feel able to discuss details of their absence with the designated person, they may speak to an alternative member of the Trust's management team or their Trade Union Representative to raise the issue with the designated person on their behalf.

10. Managing Short Term and Intermittent Absence - Triggers

- 10.1. Monthly sickness trends will be monitored by the Trust HR Team. Absence triggers are 3 one off occasions or 5 days' absence in a rolling 12 month period.
- 10.2. Intermittent and short-term absences which are related to one reason may require a referral to Occupational Health.

11. Formal Meetings (Ill Health Capability)

- 11.1. The employee will be given **at least five working days' notice** of meetings. The written notification will contain:
 - 11.1.1. Details of absences, including reasons given, as well as any relevant discussions about the absences, and/or support/adjustments provided.
 - 11.1.2. Copies of any relevant written evidence (e.g. Statements of Fitness for Work, OH report).
 - 11.1.3. Details of the time and place of the meeting.
 - 11.1.4. Confirmation of the employee's right to be accompanied.
 - 11.1.5. As relevant, the name(s) of the Headteacher/Line Manager and any other witnesses to be called to the meeting.
- 11.2. The possible consequences for the employee of their absence(s), i.e. that a 'first' or first and final' written warning may be the outcome of the meeting.

11.3. Stage One Meeting - Improvement Targets

- 11.4. If a member of staff reaches the defined level of absence in paragraph 10, prior to considering any formal action, the Headteacher (or a delegated member of the SLT) will informally examine the reasons, pattern and nature of the absence. This should include a private and confidential discussion with the member of staff, which will be a routine process and will draw on appropriate items, which can include:
 - 11.4.1. Previous sickness.
 - 11.4.2. The nature (including pattern) and length of the sickness absence, exploring the underlying causes of absence including personal, health, domestic or work-related matters.
 - 11.4.3. The likelihood of a recurrence or some other illness.
 - 11.4.4. Any other absence/special leave (this would not include school related business, e.g. INSET).
 - 11.4.5. The gaps between periods of absence.

11.4.6. The type of work that the member of staff does including the impact of absence on pupils, colleagues, department and school as a whole

11.4.7. Referral to Occupational Health

- 11.5.** The purpose of the discussion is to assess what action might be taken to support and improve future attendance. The member of staff must be given at least 5 working days' notice of the meeting, be informed in writing of the meeting and its purpose and be advised that they have the right to have a work colleague or trade union representative present at the meeting.
- 11.6.** Following the discussion, the Headteacher/Line Manager, having sought advice from the Trust HR Team if appropriate, will decide on any further course of action.
- 11.7.** On the basis of the outcome of the Stage 1 meeting the member of staff will be given an opportunity to improve their attendance and will be given improvement targets (to be confirmed in writing) which will be specific in terms of the amount and frequency of absence during a set period of time before returning to the defined levels. (It should be noted that these targets might be set at the previously defined level set out in this document).
- 11.8.** If these targets are breached within the set period of time the Headteacher/Line Manager may then proceed to Stage 2.
- 11.9.** The member of staff should be notified that persistent short-term absence could eventually result in dismissal in accordance with the procedures of this policy.

11.10. Stage Two Meeting – Support and Adjustment

- 11.11.** If a member of staff breaches the attendance targets as set out under Stage 1, a further meeting should be held to discuss the underlying causes in failing to attain the improvement in attendance.
- 11.12.** The member of staff must be given at least 5 working days' notice of the meeting, be informed in writing of the meeting and its purpose and be advised that they have the right to have a work colleague or trade union representative present at the meeting. If appropriate the following actions should be considered:
- 11.12.1.** Referral to occupational health to seek medical advice.
 - 11.12.2.** Work place adjustments.
 - 11.12.3.** Reduction in hours.
 - 11.12.4.** Flexible working.
 - 11.12.5.** Redeployment.
 - 11.12.6.** Other appropriate support and adjustment.
- 11.13.** On the basis of the outcome of the Stage 2 meeting, the member of staff will be given an opportunity to improve their attendance and will be given improvement targets (to be confirmed in writing) which will be specific in terms of the amount and frequency of absence during a set period of time before returning to the defined levels. (It should be noted that these targets might be set at the previously defined level set out in this document).
- 11.14.** If these targets are breached within the set period of time the Headteacher/Line Manager may then proceed to Stage 3, which is the Final Review meeting.
- 11.15.** The member of staff should be notified that persistent short-term absence could eventually result in dismissal in accordance with the procedures of this policy.

11.16. Stage Three Meeting – Final Review

If an employee has failed to achieve the improvement targets set out under Stage Two of this policy they will be asked to attend a Stage Three meeting (final review hearing). The objective of this hearing will be to assess whether the Trust can sustain the continued employment of the employee.

- 11.17.** The employee should be sent a letter requesting their attendance at a meeting to review their absence and continued contract. They should be given at least 10 working days' notice (unless otherwise agreed with the employee) of the meeting and advised of their right to be accompanied by a work colleague or trade union representative. The employee should be notified at this stage that a possible outcome of the meeting could be dismissal.
- 11.18.** Where dismissal is the outcome the employee can appeal against the decision in writing or by email to the Chair of Governors of the school (Chair of Trustees for Central Trust employees) within five working days of the date of the dismissal letter. Dismissal and appeal against dismissal will follow the Trust's Capability Procedure.

12. Managing Long Term Absence

- 12.1.** As a guide, long term absence can be defined as where an employee is signed off work for a period of four or more weeks. When an employee is absent from work it is important that they engage with the School/Trust. The School/Trust has a responsibility to consult with employees about their absence and to ensure meetings are offered at times and venues that are suitable; employees have a responsibility to attend such meetings. The School/Trust will seek to consult with employees about their health issues and any reasonable measures that can be put in place to facilitate a supported phased return or full return to work. However, if an employee unreasonably refuses to attend meetings, the School/Trust may hold meetings in their absence.

12.2. Stage One Meeting

- 12.3.** Once an employee has been absent for a period of 4 calendar weeks, a Stage One Meeting will be arranged. The employee will also be referred to Occupational Health for a medical review.
- 12.4.** The employee must be given at least 5 working days' notice of the meeting, be informed in writing of the meeting and its purpose and be advised that they have the right to have a work colleague or trade union representative present at the meeting.
- 12.5.** The member of staff may request that the meeting take place at a venue other than their workplace, which may be at their home or another mutually convenient venue.
- 12.6.** The purpose of this meeting is to:
- 12.6.1.** Review the employee's sickness record and any available medical evidence
 - 12.6.2.** Provide an opportunity for the member of staff to explain the circumstances of their absence
 - 12.6.3.** Consider options as described in paragraph 12.3 and consider the option of a phased return to work following medical advice from Occupational Health
 - 12.6.4.** Ensure the member of staff is aware of this policy and that if long-term absence continues, and that once the procedures within this policy have been exhausted, there will be consideration given to dismissal at Stage Three of the long-term absence procedures.
 - 12.6.5.** Inform the employee that as part of this procedure a Stage Two Meeting will take place if long-term absence continues, and that this will occur no later than 4 months after the First Case Review Meeting.

12.7. Stage Two Meeting

- 12.8.** The Stage Two Meeting must occur within 4 months but no sooner than 3 months depending upon the circumstance of the case, of the Stage One Meeting. The same considerations will be made as under the Stage One Meeting and the employee will be informed that the final stage of the procedure will may result in dismissal.

12.9. The member of staff must be given at least 5 working days' notice of the meeting, be informed in writing of the meeting and its purpose and be advised that they have the right to have a work colleague or trade union representative present at the meeting.

12.10. Stage Three Meeting

12.11. This stage of the procedure is the same as the Stage 3 for Short-Term Absence.

12.12. Before any consideration of dismissal or early retirement on the grounds of ill health is made, due regard must be given to the obligations of the employer under the Equality Act (2010). Advice should be sought from the Trust's management team on issues to do with ill health retirement and cases that might fall under the Equality Act (2010).

12.13. The employee's sick pay entitlement need not have expired before a decision to dismiss can be taken. If a member of staff on long-term sick leave returns to work before the Stage Three meeting and is subsequently absent within 12 months, triggering long-term sick procedures again, the Trust will decide which stage of the procedure is most appropriate to return to in managing the absence.

13. Phased return to work

13.1. Where an employee is signed as fit for some work and a phased return by their doctor, the Trust may agree a phased return to work if this can be reasonably accommodated. A phased return will normally be for 2 - 4 weeks but may be extended to a maximum of 6 weeks in exceptional circumstances.

13.2. During a phased return to work, the employee will be paid in full for the time at work and will be paid in accordance with the sick pay entitlement in Paragraph 5 for Teachers and Paragraph 6 for support staff.

14. Occupational Health Service Referrals

14.1. If an employee is having difficulty carrying out their normal duties because of health problems it is sensible for either party to initiate communication at an early stage to prevent chronic problems. Discussions should take place between the headteacher/line manager and employee to see if there are any simple adaptations that can be made to ease the problem, as it may be a difficulty which can be easily dealt with through mutual agreement. Dealing effectively with absence and health problems, which affect the employee's capacity to work, often requires intervention from an Occupational Health service. The service provided from Occupational Health is to give managers advice in respect of employees that are absent from work due to illness long-term or regularly on a short-term basis. Referrals will be arranged through the Trust Management team. Early referral is encouraged to prevent the development of chronic problems, as proactive management can promote positive outcomes.

14.2. The Headteacher/line manager must inform the employee concerned that they are to be referred to the Occupational Health service for assessment and why. The Headteacher/line manager should liaise with the Trust management team to complete the referral. Information on the relevant past history and sickness absence details should be provided, together with the full name, date of birth, address, contact details and job description.

14.3. Once an appointment has been agreed employees are expected to attend the Occupational Health service appointment when asked to by the school. Whilst the school accepts the need to change appointments, failure to attend without notice or on a second occasion with notice may result in reimbursement of no-show fees or disciplinary action. After the employee has been seen by Occupational Health services, a response will be returned to the referrer. A copy is retained on the employee's record.