



Sickness Absence Policy

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Version	Date	Amendments	Author	Status
0.1 to 0.4	Oct 2021 to Oct 2022	Initial Draft – Reviewed by the HR Team & the Trust Board. Consultation Process – Draft shared with the working group consisting of Senior Leaders, HR, and the Trade Unions.	Lisa-Marie McGrath	Consulted & reviewed, and implemented agreed points
1.0	01/12/2022	Final Draft – Approved by the CEO and The Trust Board	Lisa-Marie McGrath	Approved
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Sickness Absence Policy

1. ABOUT THIS POLICY

- 1.1 This Sickness Absence Policy sets out our procedures for reporting and managing sickness absences fairly and consistently.
- 1.2 Sickness absence can vary from short-term periods of ill health to a continuous period of long-term absence and have several 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, measures will be taken to assist those absent from sickness to return to work where needed and reasonably practicable.
- 1.4 Any information you provide to us about your health will be processed in accordance with our Data Protection Policy. We recognise that such data is sensitive and will handle it confidentially.

2. PERSONNEL RESPONSIBLE FOR THIS POLICY

- 2.1 Our board of directors (the board) is responsible for effectively operating this policy and ensuring compliance with the relevant statutory framework. However, day-to-day responsibility for operating the policy and ensuring its maintenance and review has been delegated to the Trust's HR Manager.
- 2.2 Line Managers/SLT have a specific responsibility to ensure this policy's fair application, and all staff members are responsible for supporting colleagues and ensuring its success.

3. DISABILITIES

- 3.1 We are aware that sickness absence may result from a disability. Therefore, at each stage of the sickness absence meetings procedure (set out in paragraph 13 of this policy), 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.
- 3.2 If you consider that you are affected by a disability or any medical condition that affects your ability to undertake your work, we encourage you to inform your Line Manager/SLT.

4. SICKNESS ABSENCE REPORTING PROCEDURE

- 4.1 If you are taken ill or injured while at work, you should report to your Line Manager/SLT, and if appropriate, you will be permitted to leave work.
- 4.2 If you cannot attend work because you are ill or injured, you should telephone your Line Manager/SLT before 8:00 am. The following details should be provided:
- The nature of your illness or injury.
 - The expected length of your absence from work.
 - Contact details.
 - Any outstanding or urgent work that requires attention.
- 4.3 Line Managers/SLT should ensure that:
- Any notified sickness absence is recorded and reported to the HR Department.
 - Arrangements are made, where necessary, to cover work and to inform colleagues (while maintaining confidentiality).
- 4.4 You should expect to be contacted during your absence by your Line Manager/SLT and/or the Trust's HR Department, who will want to enquire about your health and be advised, if possible, about your expected return date.

5. EVIDENCE OF INCAPACITY

- 5.1 For sickness absence of up to seven calendar days, you must complete a self-certification form available from your Line Manager/SLT or the Trust's HR Department.
- 5.2 For the 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 your Line Manager/SLT or the Trust's HR Department as soon as possible. If your absence continues, further medical certificates must be provided to cover the whole period of absence.
- 5.3 If your doctor provides a certificate stating that you "may be fit for work", you should immediately inform your Line Manager/SLT or the Trust's HR Department. We will discuss any additional measures to facilitate your return to work, considering your doctor's advice. This will take place before you return to work to ensure appropriate measures can be taken. If appropriate measures cannot be taken, you will remain on sick leave, and we will set a date to review the situation.

- 5.4 If we are concerned about the reasons for your absence(s), we may require a medical certificate for each absence, regardless of duration. In such circumstances, we will cover any costs incurred in obtaining such medical certificates, for absences of a week or less, on the production of a doctor's invoice.
- 5.5 If you are undergoing elective or cosmetic surgery or procedure for which you will be absent from work, any entitlement to Occupational sick pay (as set out in Paragraph 7) will be subject to receipt of satisfactory medical evidence. This medical evidence will need to be in the form of a report from your doctor or a specialist confirming that you are undergoing the procedure on medical advice. In addition, you may be required to take annual leave for any absence related to a purely elective procedure.

6. UNAUTHORISED ABSENCE

- 6.1 Cases of unauthorised absence will be dealt with under our Disciplinary Procedure.
- 6.2 According to the sickness absence reporting procedure, an absence that has not been notified will be treated as an unauthorised absence.
- 6.3 If you do not report for work and have not telephoned your Line Manager/SLT to explain the reason for your absence, your Line Manager/SLT will try to contact you by telephone and in writing if necessary. This should not be treated as a substitute for reporting sickness absences.

7. SICK PAY

- 7.1 Entitlement through sickness or injury for teachers is in accordance with the Burgundy Book (as amended from time to time). Entitlement to Sick Pay is based on length of continuous service, and at present, the entitlement is as follows:

During 1 st year of service:	25 days full pay, and after completing 4 calendar months' service, 50 days half pay (inclusive of statutory sick pay).
During 2 nd year of service:	50 days full pay and 50 days half pay (inclusive of statutory sick pay).
During 3 rd year of service:	75 days full pay and 75 days half pay (inclusive of statutory sick pay).
During 4 th and successive years' service:	100 days full pay and 100 days half pay (inclusive of statutory sick pay).

7.2 Entitlement through sickness or injury for school support staff is in accordance with the NJC Conditions of Service Green Book (as amended from time to time), and at present, the scale of entitlement is as follows:

During the 1 st year of service	1 month's full pay (after completing 4 months of service) 2 months half pay
During the 2 nd year of service	2 months' full pay and 2 month's half pay
During the 3 rd year of service	4 months' full pay and 4 month's half pay
During the 4 th & 5 th years of service	5 months' full pay and 5 month's half pay
After 5 years of service	6 months' full pay and 6 month's half pay

7.3 If you have been on long-term sick leave continuously for more than a year, you will not qualify for Occupational sick pay again until you have returned to work for a total of four weeks. This does not affect any entitlement you may have to receive further SSP.

7.4 If a period of sickness absence is or appears to be occasioned by actionable negligence, nuisance or breach of any statutory duty on the part of a third party, in respect of which damages are or may be recoverable. In that case, you must immediately notify the Trust's HR Department of that fact and of any claim, compromise, settlement or judgment made or awarded in connection with it and all relevant particulars that we may reasonably require. If we require you to do so, you must cooperate in any related legal proceedings and refund to us that part of any damages or compensation you recover that relates to lost earnings for the period of sickness absence as we may reasonably determine, less any costs you incurred in connection with the recovery of such damages or compensation, provided that the amount to be refunded to us shall not exceed the total amount we paid to you in respect of the period of sickness absence.

7.5 Any employer and employee pension contributions will continue subject to the relevant scheme rules during any period of Occupational sick pay or SSP.

8. SICK LEAVE AND HOLIDAYS

8.1 If you have an 'All-Year Round' contract and become sick or injured while on annual leave such that you would be unfit for work, you may ask us to treat the period of incapacity as sick leave and reclaim the annual leave.

8.2 To claim Occupational sick pay, you must notify your Line Manager/SLT of your incapacity immediately, and the usual requirements for medical evidence in this policy will also apply, even if you are abroad.

- 8.3 If you have an 'all-year-round contract and are on sick leave, you may choose to cancel any pre-arranged annual leave that would otherwise coincide with your sick leave. You should notify your Line Manager/SLT as soon as possible that you wish to do this.
- 8.4 If you have an 'all year round' contract period of sick leave that extends into the next holiday year, or if there is not enough time left in the current holiday year to make it practicable to take your remaining holiday entitlement, you can carry any unused holiday entitlement over to the following leave year to be used within three months of your return to work. However, any annual leave not taken within 18 months of the end of the holiday year in which it accrues (whether or not you have returned to work) will be lost.
- 8.5 For the avoidance of doubt, clauses 8.1 and 8.2. and 8.4 do not apply to employees working on a Term Time Only basis.

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 Line Manager/SLT to discuss your well-being, expected length of continued absence from work, and any of your work that requires attention. Such contact is intended to provide reassurance and 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 contact your Line Manager/SLT.

10. OCCUPATIONAL HEALTH

- 10.1 Occupational Health should be utilised early to ensure that all parties have up-to-date medical information to support the employee and support informed decision-making. This will encourage adequate support to be put in place at an early stage based on medical advice, which may prevent absences and improve attendance.
- 10.2 The Trust may at any time it considers appropriate to refer an employee to Occupational Health for an assessment of:
- their health;
 - the impact of their health on their attendance at work;
 - the impact of their health on their fitness to perform the duties required to perform their particular role;
 - the impact of their health on their ability to attend formal meetings or interviews under any other procedure;
 - what steps the Trust could take to improve their health and/or attendance.

- and employees are expected to cooperate with such referrals.

- 10.3 If an employee decides not to engage with the Occupational Health referral, the Trust will proceed to make decisions without the benefit of medical advice.
- 10.4 Before deciding to dismiss on notice under this policy, the Trust will have referred an employee for at least one Occupational Health Assessment.
- 10.5 Employees may also request a referral to Occupational Health, which the Trust should support to improve attendance and support an employee.
- 10.6 The Trust will meet with an employee after an occupational health assessment to discuss the contents of the occupational health report, whether as part of an absence review meeting or simply as part of its ongoing commitment to the welfare of its employees.

11. PHASED RETURN TO WORK POLICY

- 11.1 Employees who return from a long-term absence or following an operation or injury may require support in the transition. The Line Manager/SLT may offer the employee options such as an initial reduction in working hours/days and a subsequent phased increase. For example, this may involve a regular increase in the number of days worked and the number of hours worked per day, with the overall aim of the employee returning to their original hours by a specific period.
- 11.2 The length of the phased return and its exact details will depend on the employee's role, working hours, and capability. Therefore, this policy only provides a general overview of the process and how it can be managed. If the manager requires more specific support in dealing with an employee's phased return to work, they should contact the Trust's HR department.

12. RETURN TO A WORK MEETING – INFORMAL MONITORING

- 12.1 Line Managers/SLT are responsible for ensuring their staff's health & safety, and well-being at all times. The return to work meeting constitutes part of this responsibility and allows Line Managers/SLT to assist and support staff at an early stage.
- 12.2 Following an absence, you will have a return-to-work meeting with your Line Manager/SLT. This should occur on the first day back to work or as soon as possible. This ensures that the employee is well enough to be back at work, supports their return, and is updated on work matters.
- 12.2 A return-to-work meeting is a two-way discussion where you are asked to give details of your absence, your steps to get better, and any support you need going forward. Your Line Manager/SLT will complete

these details onto a return-to-work form and, together with the Self Certification form, this will form a record of your absence. You will be asked to sign the forms to declare your absence history.

- 12.3 Where your doctor has provided a certificate stating that you "may be fit for work", we will hold a return-to-work meeting to discuss any additional measures that may be needed to facilitate your return to work, taking account of your doctor's advice.
- 12.4 You will be responsible for ensuring your dates of absence are properly recorded.
- 12.5 All Self Certification and Fit Notes should also be sent to the Trust's HR Department for administrative purposes. Please speak to your Line Manager/SLT if you need support with this.

13. RETURNING TO WORK FROM A LONG-TERM SICKNESS ABSENCE

- 13.1 We are committed to helping members of staff return to work from long-term sickness absences. As part of our sickness absence meetings procedure, we will, where appropriate and possible, support returns to work by:
 - obtaining medical advice;
 - making reasonable adjustments to the workplace, working practices, and working hours;
 - considering redeployment; and/or
 - agreeing on a return-to-work programme with everyone affected.
- 13.2 If you cannot return to work in the longer term, we will consider whether you are entitled to any benefits under your contract and/or any insurance schemes we operate

14. SICKNESS ABSENCE PROCEDURE

MONITORING CRITERIA/TRIGGERS

- 14.1 Whilst each case of sickness absence should be considered individually, the following indicators will normally lead to a Sickness Absence Meeting:
 - have discussed matters at a return to work interview that requires investigation; Use an occupational health professional to provide medical advice and guidance.
 - any absence levels showing a trend or pattern, e.g. Friday – Monday absences, monthly dates (e.g. last Friday every month), and any other notable dates.
 - where there are periods of absence following school holidays.
 - Mixture of short-term and/or long-term absence.
 - where there is an increase in absence following the expiry of a review period or an attendance monitoring warning;
 - sickness absence exceeding three weeks in a rolling 12 months (certified and self-certified)

- Long-term absence is when an employee is absent from work for four weeks or more due to a serious health problem. It can normally be distinguished from short-term absence in that it tends to be continuous and usually can be traced to an underlying medical condition;
- An absence lasting 4 working weeks will normally lead to an Absence Review Meeting in appropriate circumstances - this could involve a home visit for longer absences;

14.2 The process aims to support employees, improve attendance, and reduce absence levels.

14.3 Unless impractical, we will give you ten days' written notice of the date, time, and place. 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.

14.4 Your Line Manager/SLT will conduct the meeting and be attended by a member of the HR Department. You may bring a companion to the meeting (see paragraph 13).

14.5 At the Sickness Absence Meeting, an employee is entitled to: -

- Present any medical evidence in their possession;
- Make suggestions about managing their return to work or ways to improve their attendance;
- Suggest other reasonable adjustments (if applicable) that could be made;
- You must take all reasonable steps to attend a meeting. Failure to do so without good reason may be treated as misconduct. If you or your companion cannot attend at the specified time, you should immediately inform your Line Manager/SLT, who will seek to agree on an alternative time with you and your companion.

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

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

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

15. RIGHT TO BE ACCOMPANIED AT MEETINGS

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

- 15.2 Your companion may be either a trade union representative or a colleague. Their details must be given to the Line Manager/Senior Leadership Team conducting the meeting in good time before it occurs.
- 15.3 Employees are allowed reasonable time off from duties without loss of pay to act as a companion. However, they are not obliged to act as a companion and may decline a request if they so wish.
- 15.4 We may, at our discretion, permit other companions (for example, a family member) where this will help overcome particular difficulties caused by a disability or difficulty understanding English.
- 15.5 A companion may make representations, ask questions, and summarise your position but will not be allowed to answer questions on your behalf. You may confer privately with your companion at any time during a meeting.

16. STAGE 1: FIRST SICKNESS ABSENCE MEETING – FORMAL

- 16.1 This will follow the procedure set out in paragraphs 13 & 14 on the right to be accompanied at sickness absence meetings.
- 16.2 The purposes of a first sickness absence meeting may include:
- discussing the reasons for absence;
 - determining the likelihood of further absences;
 - considering whether medical advice is required, if not already obtained;
 - considering what, if any, measures might improve your health and/or attendance;
 - Agree on a way forward; the action will be taken, and a timescale for review, namely 6 months and/or a further meeting under the sickness absence procedure.

17. STAGE 2: FURTHER SICKNESS ABSENCE MEETING(S) - FORMAL

- 17.1 Further meetings may be necessary depending on the matters discussed at the first stage of the sickness absence procedure. Arrangements for meetings under the second stage of the sickness absence procedure will follow the procedure set out in paragraphs 12 & 13 on the arrangements for and right to be accompanied at sickness absence meetings.
- 17.2 The purposes of further meeting(s) may include:
- discussing the reasons for and impact of your ongoing absence(s).
 - discussing the likelihood of further absences.

- If it has not been obtained, consider whether medical advice is required. If it has been obtained, consider the advice and whether further advice is required.
- Considering your ability to return to/remain in your job, given both your capabilities and our business needs, and any adjustments that can reasonably be made to your job to enable you to do so.
- Considering possible redeployment opportunities and whether any adjustments can reasonably be made to assist in redeploying you.
- Where you can return from long-term sick leave, whether to your job or a redeployed job, agreeing on a return-to-work programme.
- If it is considered that you are unlikely to be able to return to work from a long-term absence, whether there are any benefits for which you should be considered.
- Agree on a way forward, an action that will be taken, a timescale for review, and/or a further meeting(s). Depending on the steps we have already taken, this may include warning you that you are at risk of dismissal.

18. STAGE 3: FINAL SICKNESS ABSENCE MEETING - FORMAL

If you have been warned that you are at risk of dismissal, we will invite you to a meeting under the third stage of the sickness absence procedure. The meeting will be chaired/conducted impartially by a panel of members from the Trust's Senior Leadership Team who have not been previously involved. Arrangements for this meeting will follow the procedure set out in paragraphs 13 and 14 on the arrangements for and right to be accompanied at sickness absence meetings.

18.1 The purposes of the meeting will be:

- review the meetings that have taken place and matters discussed with you.
- where you remain on long-term sickness absence, consider whether there have been any changes since the last meeting under stage two of the procedure, either regarding your possible return to work or opportunities for return or redeployment.
- consider any other matters that you wish to raise.
- consider whether you are likely to return to work or achieve the desired level of attendance in a reasonable time.
- consider the possible termination of your employment.

- 18.2 If the decision is to dismiss, the outcome will be provided in writing, and the right to appeal. Termination will normally be with full notice or payment in lieu of notice.

19. APPEALS

- 19.1 You may appeal against the outcome of any stage of this procedure and bring a companion to an appeal meeting (see paragraph 15).
- 19.2 An appeal should be made in writing, stating the full grounds of appeal to your Line Manager/SLT within ten days of the decision's date.
- 19.3 Unless it is not practicable, you will be given written notice of an appeal meeting within five days of the 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.
- 19.4 You will be provided with written details of any new information that comes to light before an appeal meeting. You will also be given a reasonable opportunity to consider this information before the meeting.
- 19.5 The appeal hearing will be conducted by the Board of Directors, who have not been previously involved in the case.
- 19.6 Depending on the circumstances, an appeal meeting may be a complete rehearing of the matter or a review of the original decision.
- 19.7 The final decision will be confirmed in writing, if possible, within five days of the appeal meeting. There will be no further right of appeal.
- 19.8 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 or pay.