



SICKNESS ABSENCE POLICY AND PROCEDURE

**Presented to
Trustees
20 March 2019**

Date approved: ¹	20 March 2019 Trustees Standards Committee
Date reviewed: ²	20 March 2019 (adopted) Trustees Standards Committee
Consultation:	Union and Staff Consultation April 2019 – completed
Date of next review: ³	Spring 2022

- Replaces existing Sickness Absence Policy, this policy is based on an EPM template policy

¹ This is the date the policy was approved by the meeting

² This is the date the policy was reviewed prior to its approval above

³ This is the date as set by the policy review clause or the date approved plus two years

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SICKNESS ABSENCE POLICY AND PROCEDURE

1.0 Terms of Reference

1.1 For all employees employed by the Trustees of the Four Cs MAT.

1.2 Definitions:

“Headteacher” also refers to any other title used to identify the Headteacher, where appropriate, or other senior manager delegated to deal with the matter by the Headteacher.

“Companion” refers to a person chosen by the employee to accompany him/her, who shall be a trade union representative or a workplace colleague.

2.0 Introduction

2.1 The Trust Board recognises its responsibility for the health, safety and welfare of its staff. This Sickness Absence Policy sets out our procedures for reporting sickness absence and for the management of sickness absence in a fair and consistent way. This policy places emphasis on proactive support for staff 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.

2.2 It is the responsibility of management to monitor sickness absence and to respond effectively to actual and potential problems. The school has standards for attendance for staff as it does for students. It is the responsibility of the Headteacher and all levels of management to ensure these standards are achieved and to raise awareness of the effect of sickness absence levels on the quality and continuity of teaching and learning and other aspects of the effectiveness of the work of the school. In addition, managers have a clear obligation placed on them to identify and address problems in the work environment and/or job factors that may be contributing to staff absence.

2.3 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).

2.4 The Headteacher 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 will record the average number of working days lost due to sickness per full time equivalent employee and identify areas where the work of the school, in particular the continuity of teaching and learning, is being affected by absence levels. This will include a breakdown of total absence into long term and short-term absence (normally more than 28 days) and reasons for absence. The information will be reported to Trustees on an anonymised basis. The procedure sets out the steps which the Headteacher and line managers will normally follow when staff sickness absence occurs.

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- 2.5 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.
- 2.6 No action will be taken under the formal part of this Sickness Absence Policy against a trade union representative without prior discussion with an appropriate trade union officer.
- 2.7 In normal circumstances Managers with authority to have Return to Work discussions are:
- After one day absence – Middle Managers
 - After 2 days absence – Deputy Headteacher/Business Manager
- 2.8 Managers with authority to hold Informal Sickness Absence Meetings are:
- Deputy Headteacher
 - Business Manager.
- 2.9 Senior Managers with authority to hold Stage 1 Meetings (and review other Senior Managers Stage 1 decisions at appeal) are:
- Deputy Headteacher
 - Business Manager.
- 2.10 The Headteacher has authority to hold a Stage 2 meeting. In the event that the Headteacher has held the Stage 1 meeting then Stage 2 will be considered by a committee of Trustees.

3.0 Employees' Responsibilities

- 3.1 Employees must attend work when fit to do so.
- 3.2 Employees must follow the Notification of Sickness Absence procedures:
- 3.2.1 An employee who is prevented by illness from reporting for duty shall personally notify the designated person as early as possible by telephone on the FIRST DAY OF ABSENCE. The following details should be provided:
- a) The nature of the employee's illness/injury.
 - b) The expected length of absence from work.
 - c) Current contact details
 - d) Any outstanding or urgent work that requires attention

Designated Person

Primary: Business Manager/Senior Leader

Secondary: Cover Manager/HR Manager

- 3.3 If an employee does not report for work and has not explained the reason for absence then the employee should expect to be contacted by telephone during the period of absence by the designated person, who will want to enquire after the employees health and be advised, if possible, as to the employees expected return date. This must not be treated as a substitute for reporting sickness absence. Absence that has not been notified in accordance with the sickness absence reporting procedure will be treated as unauthorised absence.

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- 3.4 All employees must complete a self-certification form detailing the reason for absence for any period of sickness absence up to 7 days. The self-certification form must be completed immediately on return to duty and returned to the designated person.
- 3.5 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 designated person 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.
- 3.6 Employees must continue to submit Fit Notes during school closure periods.
- 3.7 The school may take a copy of the Fit Note for their records and return the original copy to the employee.
- 3.8 An employee shall if required at any time, attend an Occupational Health (OH) or other medical appointment/examination by a registered medical practitioner nominated by the school.

4.0 Reimbursement of Cost of Doctors' Statements.

Where the Headteacher requires a medical certificate (Fit Note) from an employee, the employer shall on provision of a receipt, reimburse the employee if a charge is made for the Fit Note.

5.0 Illness or Injury Arising from Work

- 5.1 Any accident arising out of or in the course of employment with the school 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 school.
- 5.2 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 Headteacher or Senior Manager at the first opportunity.
- 5.3 In the case of the first, and any subsequent absence, due to industrial disease or accident an employee shall agree, at any time during such absence, if so required by the employer, to a medical examination by a registered medical practitioner nominated by the school.

6.0 Return to Work

6.1 Phased Returns

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 doctor or the Fit for Work service, the following arrangements will normally be made in relation to pay:

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- Where the employee has exhausted their sick pay entitlement, the salary payment made will be based on the number of hours worked during the phased return.
- Where the employee has not exhausted their sick pay entitlement, the employee will be paid in accordance with the number of hours worked, or the occupational sick pay entitlement that would be payable if the employee remained off work due to sickness absence, whichever is the greater amount.

6.2 If the employee returns to work with a Fit Note which states 'may be fit for work', the employee should notify his/her Deputy Head/Business 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. Consideration will be given as to how the advice impacts the employee, the job, the workplace, service delivery, students and colleagues. The doctor's comments, any of the return to work tick boxes and any other action that could facilitate a return to work will be considered with due regard to the Equality Act 2010. Options may include:

- a phased return to work
- altered hours
- amended duties
- consideration of redeployment
- workplace adaptations
- other reasonable adjustments

6.3 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 the doctor to obtain a revised Fit Note unless this is required in the circumstances. A review date will be set.

6.4 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, for example a stress, ergonomic or more general risk assessment may be required.

6.5 The employee may return to work before the expiry of a Fit Note without going back to see their doctor, even if their GP has indicated that they need to assess them again. This will not breach the school's Employer's Liability Compulsory Insurance, providing a suitable risk assessment has taken place if required.

7.0 Probationary Periods for Support Staff

All new Support Staff employees are subject to a probationary period. Sickness absence issues that arise during a Support Staff employee's probationary period may be taken into account in determining whether or not the probationary period is completed satisfactorily and this procedure (save for the sickness absence procedure) will not normally apply.

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8.0 Unauthorised Absence / False Information

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

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

9.0 Attendance at Meetings

9.1 The employee must take all reasonable steps to attend meetings. 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 (see Terms of Reference). If the employee (and/or his/her companion) is unable to attend at the time specified the employee should immediately inform his/her Deputy Head/Business Manager who will normally seek to agree an alternative time. Meetings will not normally be postponed beyond 5 days. Depending on the circumstances, if an employee indicates that they are too unwell to attend a formal or informal meeting they will be given the option to:

- meet in another venue or at their home; or
- attend via telephone conference; or
- send a companion to represent them, providing appropriate written consent (though this will not normally apply in the case of informal meetings or discussions); or
- provide a written submission; or
- request that the meeting takes place in their absence.

9.2 If an employee fails to communicate their wishes with regard to the above, the meeting may take place in their absence with the outcome communicated to them in writing. Meetings will not, in normal circumstances, be postponed beyond 5 days unless there is medical evidence that the employee is not medically fit to take part by any of the means described in clause 9.1 and, even if this is the case the employer reserves the right to proceed with any necessary steps required to manage the specific case including holding meetings notwithstanding, as appropriate.

9.3 Any Designated Senior Manager visiting an employee's home will be accompanied by another manager.

9.4 A meeting may be adjourned if the employer is awaiting receipt of information, needs to gather any further information or give consideration to matters discussed at a previous meeting. The employee will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.

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10.0 **Informal Procedure**

10.1 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. It 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 as soon as possible 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 to any action points, the employee will be provided with a copy.

10.2 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:

- A total of 7 working days absence within 1 term
- 10 working days within 3 terms
- 3 occasions of absence within 1 term: or
- Unacceptable patterns of absence.

In preparation for the meeting the Designated Senior Manager will:

- Consider the school's statistical data on levels and types of sickness absence for all staff to ensure consistency.
- Confirm that an unsatisfactory level of attendance has been reached depending on the circumstances, or that the record shows a pattern of absence or some other factual data which identifies the cause for concern.
- Consider the job description and the impact of the absences on all affected, the work of the school and on the work group.

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.

The Designated Senior Manager will, in normal circumstances, use the Sickness Absence Meeting Proforma at Appendix A as the agenda for the meeting and will record salient points. The employee will be given a completed signed copy after the meeting.

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.

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10.3 Monitoring Period Following Sickness Absence Interview

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

The Designated Senior 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 (eg Occupational Health, Employee Assistance/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.

10.4 Where the Designated Senior Manager is of the view that the employee's attendance has not improved to an acceptable level after the review period, the Designated Senior 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.

11.0 **Formal Procedure**

11.1 Stages in the Process

There are 2 stages in the formal process. The type of case (ie 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 (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.

11.2 Preparation for Stage 1 Formal Meeting

A Designated Senior Manager will arrange a formal meeting with the employee and give him/her notice of 10 working days, in writing, of:

- the reason for the meeting, outlining the concerns about the employee's attendance;
- the time, date and location of the meeting;
- who will be conducting the meeting and who else will be present;
- copies of any documents to be referred to including any previous action plans;

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- the employee's right to be accompanied by a companion and to refer to any documents/other parties if he/she wishes; and
- the requirement for the employee to provide the following at least 2 days prior to the meeting:
 - the name of his/her representative (if applicable); and
 - copies of any papers to be referred to and other parties to be called (if applicable).

11.3 Stage 1 Meeting

At the Stage 1 meeting the Designated Senior 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;
- explain how the employee's attendance has been assessed as unacceptable and the effect on teaching and learning, service delivery and colleagues;
- 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 the employee's ability to return to/remain in his/her job in view both of his/her capabilities and the school's needs and any adjustments that can reasonably be made, if appropriate, to his/her job to enable him/her to do so;
- 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 his/her 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;
- discuss the way forward and determine an action plan that clearly identifies:
 - the improvements necessary to achieve satisfactory levels of attendance;

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- the timescale for improvement;
- how attendance will be measured/monitored;
- any additional support/training to be provided; and
- the review period, (normally one month and no more than three months);

The Designated Senior Manager will write to the employee, normally within 5 working days of the Formal Stage 1 Meeting, to:

- confirm the action plan in writing; and
- advise the employee that if he/she fails to achieve the improvements in the review period then, unless the circumstances otherwise require, a Stage 2 meeting will be arranged where dismissal will be considered;
- confirm the employee's right to ask that another Senior Manager or Trustee(s) (as appropriate) review(s) the decision at an appeal meeting. Any appeal should be made in writing to the employee's line manager within 5 days of the date on which the decision was sent to the employee.

11.4 Stage 1 Review Period

The Designated Senior Manager will ensure that during the review period the employee's attendance is closely and objectively monitored. Normally, if practicably possible weekly supervision meetings will be held between the employee and the Designated Senior Manager to ensure:

- effective monitoring
- appropriate support is given to the employee
- positive feedback is given where possible; and
- if further periods of non-attendance are identified, the reasons are discussed.

Notes of the monitoring process will be kept by the Designated Senior Manager and a copy provided to the employee. The notes may be referred to at Stage 2 of the procedure.

11.5 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.

The decision to take no further action will be confirmed by the Designated Senior Manager in writing, normally within 5 working days of the end of the review period. This letter will also confirm that the improved attendance must be sustained consistently during the next 12 months and explain that if there are further unacceptable periods of absence the Sickness Absence Procedure may

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be invoked at Stage 2. A copy of this letter will be kept on the employee's personnel file for 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 Headteacher 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.

11.6 Preparation for a Stage 2 Meeting

The Headteacher will hold a formal meeting with the employee giving him/her 10 working days notice, in writing, of:

- the reason for the meeting, outlining the outstanding concerns about the employee's level of attendance due to ill-health;
- the time, date and location of the meeting;
- who will be conducting the meeting and who else will be present;
- any documents to be referred to, which may include, as appropriate, previous action plans, notes of the monitoring process, copies of reports received from Occupational Health or other medical specialists;
- the employee's right to be accompanied by a companion as above, to call other parties and to refer to any documents he/she wishes, copies of which should be sent to the appropriate manager at least 2 days in advance of the meeting; and
- the possible consequences of the meeting, ie that it may result in the employee's dismissal, if appropriate.

11.7 Stage 2 Meeting

At the meeting the Headteacher 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

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- 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; and
 - measures taken by management to support the employee, eg reasonable adjustments if applicable
- discuss with the employee and his/her 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 his/her companion opportunity to answer the points made and to give an explanation or put forward any mitigating circumstances.

In circumstances where the Headteacher has assumed the role of the Designated Senior Manager at an earlier stage or does not have delegated power of dismissal, a committee of Trustees will assume the role of the Headteacher as set out above.

11.8 Stage 2 Decision

Following the discussions the Headteacher 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 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;
- 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.

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11.9 Dismissal

If the decision at the Stage 2 (or a deferred Stage 2 meeting if applicable) is to dismiss the employee, the Headteacher will inform the employee and his/her companion, that the employee is dismissed, with the required contractual or statutory notice.

The Headteacher will confirm in writing, to the employee within 5 working days, or as soon as reasonably practicable thereafter:

- that he/she has been dismissed;
- the grounds for dismissal and the reasons;
- the required contractual or statutory notice due (or payment in lieu of notice where applicable) and the date the dismissal will be effective;
- the employee's right of appeal against the dismissal to an Appeal Committee of the Trust Board.

Termination will normally be with full notice or payment in lieu of notice. In some cases it may not be appropriate for the employee to work during his/her notice period. Further, the contract may provide that the employee remain at home on 'garden leave' or this may be agreed between the parties. A Fit Note must be provided that covers the employee's notice period.

11.10 Appeals

An employee has the right to appeal against a dismissal decision. Any appeal must be submitted within 10 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 the Appeal Committee of the Trust Board.

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 Committee of the Trust Board has the authority to:

- uphold the appeal (ie to reinstate the employee); and/or
- issue a lesser level of management action, eg to:
 - drop the formal process;
 - refer to a lower stage in the formal process; and/or
 - reduce standards of attendance or targets set in the action plan;or
- dismiss the appeal, ie 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 Committee of the Trust Board is final. The employee has no further right of appeal.

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12.0 Review

12.1 The Trust Board (or responsible committee) will review this policy in line with the procedure for policy review.

12.2 Date for Review

If no other reason for review (see policy review procedure) this policy will be reviewed in Spring 2022.

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Appendix A

Sickness Absence Meeting Record

This is the management record of a meeting held under paragraph 10 of the Sickness Absence Policy and Procedure. It is strictly confidential. It will be held on the employee's personnel file until such time as the employee's attendance is wholly satisfactory and for 12 months thereafter. The record may be accessed and referred to by those with authority to manage the informal and formal stages of the Sickness Absence Policy and Procedure. A Sickness Absence meeting is not part of the formal procedure and there is no entitlement for the employee to be accompanied or represented. The meeting will be held in private.

Employee	Date of Meeting
Length of Service	
Interviewing Manager	
Details of Sickness Absence	
Period of Absence	Number of days Absent
Reason(s) for Absence	
Is absence related to a known or possible disability under the Equality Act? Has there been consideration of whether the 'trigger point' relating to days absence should be extended, or if the sickness absence policy should otherwise be modified?	
No Yes if yes – details of medical evidence must be attached	

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Details of Meeting

Key Points discussed

Welcome and update, if necessary, on work events and changes

Reasons for absence – underlying medical condition?

The value of your contribution? The impact of absence on teaching and learning, service delivery and colleagues. How your work has been covered in your absence.

Are you fully recovered and able to resume full duties? Yes No

If your view is “no” then action plan should consider:

- Referral to Occupational Health (OH)
- Temporary adjustments which can reasonably be accommodated?

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Action Plan

The objective is that attendance will be satisfactory to the employer. Is there anything we can do to improve your attendance, eg OH referral, counselling, a review of risk assessment, temporary or permanent reasonable adjustments to the workplace, working practices or working hours or training?

Is your absence in any way related to work?

Are you doing all you can to improve your attendance?
eg Act on medical advice, lifestyle choices, attention to work life balance, non-medical support eg counselling.

Fit note required for any period of absence during the monitoring period? (see paras 3 and 10.3)

Yes No

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Review

Attendance will be reviewed in

1 month 2 months 3 months Date of review: _____

Please note that further absence during this period may, depending on the circumstances, mean that the review is held under Stage 1 of the formal procedure if appropriate.

Copy of Sickness Absence Policy and Procedure has been provided and process explained.

Yes Date: _____

No (must be provided and explained prior to a formal meeting)

Signature of Manager: _____ Date: _____

Signature of Employee: _____ Date: _____

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