



MARISH

Academy Trust



Staff Sickness Absence Policy

Date: October 2014

Summary

The aim of this policy is to produce a framework which can deal fairly and equitably with sickness absence and to provide a process for the proactive reviewing of absence.

This policy sets out procedures for a staff member to follow when sickness prevents him or her attending work or working productively at Marish Academy Trust. The policy identifies the responsibilities of staff members and management with respect to these procedures.

1 Contents

1	Contents.....	2
2	Introduction.....	3
3	Principles.....	4
4	Process.....	7
5	Links to Other Policies	16
6	Governing Body Approval.....	17

2 Introduction

The Academy Trust, as a good employer, does not wish its employees to attend for work when they are too sick to do so but it does expect them to account for their absences and to meet their contractual obligations to work.

Staff absences have a direct effect on service delivery to the pupils and represent a significant cost to the Trust. The aim of this policy is to produce a framework which can deal fairly and equitably with sickness absence and to provide a process for the proactive reviewing of absence.

As an equal opportunities employer with a commitment to the employment of people with disabilities, the Trust is committed to treat each case on its own merits taking account of all the circumstances including the employee's known disability or illness and on making reasonable adjustments where necessary.

In this policy an employee's Line Manager maybe any Academy Leadership team or SLT member including the Directors of Finance, Facilities and Resources, Music and Performing Arts and Sport and Community.

3 Principles

3.1 Context and Scope

The formal disciplinary and capability processes do not apply to employees who are within their probationary period of service (refer to the Academy Trust's Probationary Procedure) but the sickness reporting procedures do apply. This policy applies to the Executive Headteacher and all Academy Trust staff who work in any trust school, teaching and non-teaching (whether on a full-time, part-time, permanent, fixed-term or temporary contract).

Further information relating to School Teachers' terms & conditions is outlined in the Conditions of Service for School Teachers in England and Wales (2000) – Burgundy Book.

The procedure provides a framework for reporting sickness absence; conducting return to work meetings; managing long term and persistent short term absences and dealing with cases of permanent ill-health. It also includes processes for formal reviews and appeals.

Recognition is given to the need for good two way communication between the HR Manager and the employee during periods of sickness absence and when the employee returns to work.

Information about sickness absence will be restricted on a need to know basis.

The Disability Discrimination Act 1995 and the Equality Act 2010 place a duty on employers to avoid discrimination and make reasonable adjustments in relation to disabled employees, including those who become disabled or whose condition worsens and for employees who have family members with a disability. Under the DDA employers have a duty to retain disabled employees (wherever possible).

The guidance and best practice identified in this document are not totally prescriptive and may not cover each individual circumstance that the HR Manager might face. The HR Manager will take advice from the Trust's Human Resources provider or their Occupational Health provider.

3.2 Responsibilities

The Line Manager is expected to:-

- Ensure that confidentiality is maintained in relation to information about sickness absence.
- Ensure staff are aware of the Sickness Absence Policy & Procedures and their responsibilities in relation to sickness absence upon commencement of employment.
- Ensure that, for employees who have a disability, reasonable adjustments are made in line with Disability Discrimination Act and Equality Act where appropriate.
- Manage sickness absence in a fair and consistent manner – however, this does not mean that each case of sickness absence should be handled in the same way, as no two cases will ever be the same.
- Ensure sickness absence is reported accurately and that sickness data is correct.
- Agree regular contact and communication with staff who are on long term sickness absence, in terms of type and frequency of contact, and to keep a log of this and ensure that all contact with absent employees is carried out in a supportive manner to avoid the potential for this to be perceived as harassing the employee.

- Carry out Return to Work meetings with all employees who return following any period of sickness absence.
- Establish clear plans of action where it is decided what action is justified.
- Make referrals to their Occupational Health provider to check that the employee is able to perform all their duties or if a temporary change in duties is required to the workplace to ensure the employee's continued health.
- Ensure employee safety and wellbeing at work, and in agreement with the employee, the HR Manager may refer an employee to their occupational health provider irrespective of whether or not the employee has been absent from work due to sickness.
- Seek advice from the Trust's Human Resources provider where necessary
- To seek advice from the Trust's Occupational Health provider and to act on it as appropriate.

Employees are expected to:-

- Act responsibly with regard to any type of absence and to adhere to the rules laid out in the Policy and as agreed with the Line Manager.
- Follow all notification and certification procedures as outlined in the staff handbook
- Make sure they clearly communicate with the HR Manager or designated contact person regarding the reasons for being away from work.
- Participate in Return to Work meetings and attend Occupational Health if required. Employees have the right to be accompanied to any formal meetings by a trade union representative or work colleague.
- Be contactable whilst off sick and to respond to communications from the manager within the guidelines of the policy
- If on long term sick, an employee should still be able to attend meetings to discuss their absence / Occupational health appointments
- Inform the HR Manager if they have a disability including the nature of the disability, how it impacts on their work and any requirements or adjustments needed to enable them to fulfil their role. This could be either at the start of their employment or during the course of their employment
- Ensure that their behaviour during a period of sickness absence is not inconsistent with that absence or detrimental to their recovery. If such behaviour occurs, the HR Manager will bring it to the attention of the employee and, if appropriate action may be taken in accordance with the Academy Trust's disciplinary policy and procedure.
- Report if they are taking any prescription or over the counter medicines which may cause impairment to their work performance and/or any side effects as part of their duty of care e.g. drugs which affect ability to drive or operate machinery.
- Ensure that if they wish to see the Trust's Occupational Health provider they need to discuss with the HR Manager and cannot self refer themselves.

3.3 Hospital and Medical Appointments

Wherever possible hospital, medical and dental appointments should be arranged when school is not in session. If this is not possible then appointments should be made either early mornings, late afternoons or during lunch breaks. Wherever possible, all school staff should avoid making

appointments during school working hours/teaching time to minimise the disruption to the pupils. Appointments within working hours require Line Manager approval for the planned absence.

It is recognised that staff with a disability may need time off in relation to their disability and guidance will be obtained from the Trust's Occupational Health provider in relation to each individual case.

If the hospital appointment is part of a long term health issue then the employee should discuss the matter with the Line Manager to determine whether the time will be classified as sick leave, or whether annual leave, flexi-time or other working arrangements could be used or whether the hours need to be made up.

4 Process

4.1 Reporting Absence

First Day of Absence

The Line Manager will agree with the employee what level of contact is required during the period of absence.

Employees must contact the Trust HR Manager, headteacher or designated contact person Carol Conlon immediately and before 7am as soon as they become aware they are unwell (unfit to attend work). In exceptional circumstances someone may contact the Line Manager on an employee's behalf.

The contact person will agree with the employee what will be shared with colleagues taking into account whether there is sensitivity surrounding the absence

Any employee absent for the first day must ring into school before 3pm and tell the contact person whether they are likely to return the next day. This is to ensure the school has maximum notice to make cover arrangements. Failure to comply with these notification instructions may result in the Trust withholding salary payment for the days not properly notified.

The self-certification form should be completed by all employees for every episode of sickness absence within two working days of their return to work, regardless of the length of the absence.

Eighth Calendar Day of Absence

The employee must see their GP to obtain a medical certificate which should be submitted immediately to the Trust HR Manager. An employee can self-certify for up to 7 days (including the weekend). From the 8th day of absence onwards, any absence will need to be certificated by a GP. If there is continuing absence beyond the expiry date of the original medical certificate, then further medical certificates will need to be submitted. For long-term sickness, medical certificates must still be provided during school closure periods if the employee remains unwell.

Failure to comply with the submission of medical certificates will result in withholding salary payment for the days not covered and could also result in disciplinary action. The HR will write to employees regarding non-submission of medical certificates and withholding of salary.

4.2 Recording Sickness Absence

Sickness absence will be recorded using self-certification forms and medical certificates.

The HR Manager will record the absence on the appropriate forms and submit the completed form with any medical certificate(s) to the Trust's Human Resources or Payroll provider.

Employees on long term sickness continue to accrue their entitlement to contractual annual leave whilst on sickness absence.

Employees are eligible to take all of their accrued contractual annual leave either during their sick leave or upon their return to work, in agreement with their manager.

Where sickness absence straddles two leave years, or if upon returning to work there is not enough time left in the current leave year to take the outstanding annual leave entitlement, the outstanding annual leave will carry over to the following leave year. As above, the timing of this leave this will need to be agreed with the manager.

Employees may only carry over from one leave year to the next the amount of contractual leave that was accrued during the leave year in which the period of sickness absence occurred (not just that which was accrued during the period of sickness absence).

Employees who are off sick can make a request to take annual leave during their period of sickness absence whether this is during the paid or unpaid part of their sickness absence.

Fit Notes would have to cover all periods of sick leave but the existence of a Fit Note and the fact that the employee is still technically unwell would not prevent the annual leave from being taken and recorded.

For further clarification please refer to section 9 of the Managers' Guidance.

4.3 Disability Related Sickness Absence

It is recognised that an employee may be living with a disability or may become disabled during the course of their employment. Where absences are related to a disability, the absence will be recorded as disability related sickness absence. Sick pay will still be payable where entitled.

In cases of disability the HR Manager will always seek advice from the Trust's Human Resources and Occupational Health providers before considering action.

The formal sickness absence procedure will still apply where absence is related to disability, however no formal action will be taken until advice has been received from the Trust's Occupational Health provider. The triggers will remain the same as those for general sickness absence, subject to advice from the Trust's Occupational Health provider. If the advice from their Occupational Health provider suggests that due to the nature of a disability a higher absence level may be likely and that allowing a higher level of sickness absence before moving to the formal procedure would be considered as reasonable adjustment under the Disability Discrimination Act or the Equality Act, the HR Manager

will consider reviewing the triggers before the formal procedure is instigated. This will only apply to individual cases dependent upon the advice from their Occupational Health provider.

At both formal meetings (see below) the HR Manager in consultation with Executive Head teacher may agree to give consideration to redeployment following advice from the Trust's Occupational Health provider. Please note that redeployment periods will be time bound and failure to find alternative employment may lead to termination of employment with notice.

4.4 Return to Work

Employees, upon their return to work, will have a return to work meeting with the HR Manager, and complete and sign the Sickness Certification Form. In addition, in cases of long term sickness absence it is also good practice for the HR Manager to discuss and/or consider the following:-

- Establish the reasons for the absence, ascertain if the illness is likely to recur and ensure that the employee is aware of and understands this procedure and whether formal action is to be considered;
- Check that the employee is able to work normally or if a temporary change in duties is required and whether any changes are needed to the workplace to ensure the employee's continued health. (Advice can be sought from the Trust's Occupational Health provider);
- Update the employee of any changes / key events that have occurred during his/her absence;
- Complete and sign the Sickness Certification Form (even where a medical certificate has been issued).
- Prior to a return to work meeting following long term sickness, it is good practice to refer the employee to the Trust's Occupational Health provider.
- If for personal and/or confidential reasons employees do not wish to discuss their sickness with the HR Manager they can be referred to another appropriate manager of the same gender, if requested. Sufficient information will need to be shared with the HR Manager to ensure any agreed action is implemented.

The sickness certification forms, when completed, together with any medical certificate(s), will be retained on the school's personnel file.

The Trust's Human Resources & Payroll providers will be provided with data on all staff sickness absence.

4.5 Reviewing Sickness Absence

Sickness absence is recorded on a rolling twelve month basis for school support staff. For teachers the year is deemed to begin on 1 April and end 31 March.

4.6 Informal Management of Sickness Absence

The HR Manager will manage absence informally with an employee before starting the formal process covered by this policy should they feel this will be the most effective method of bringing about an acceptable level of attendance.

4.7 Persistent Short Term Absences

Short term sickness absence is identified as either frequent relatively short periods of absence due to a minor illness which are unconnected, or one period of absence of less than four weeks. Such absences may be self-certified (up to 7 days) or medically certified (8 days or more).

The triggers for reviewing such absences will be:

- a pattern of absences which cause concern;
- 10 working days absence in a twelve month period - but this does not mean that employees are allowed 10 days of sickness absence before any review takes place.

4.8 Long Term Absences

Long term sickness absence is defined as physical or mental illness, which prevents the employee from attending work or impairs their ability to carry out full duties competently and without risk to themselves or others. Any period of sickness 4 weeks or more is treated as long term sickness. This includes, but is not limited to:-

- Long term absences arising out of a single illness or disability
- Repeated periods of absence arising out of a single illness or disability, or connected illnesses
- Permanent injury or disability where it may not be possible to return to original duties / environment

The triggers for reviewing these cases are where:

- Absence for 4 consecutive weeks or absences for a total of 6 weeks in a twelve month period; and/or where it is understood that the employee is likely to be absent for a prolonged period due to illness.

In cases of long term absence, the HR Manager will keep in contact with the employee by telephone, email, letter or with prior agreement, by home visit, at least once every two weeks from the first stages of the absence. A file note will be kept of such contact.

In cases of long term absence there is a need to balance the circumstances of the employee with the needs of the service the school provides. There is no requirement to wait for sick pay entitlement to elapse before reviewing the case and, as necessary, referring the employee to their Occupational Health provider. A review is encouraged as soon as there are concerns about sickness absence.

In all cases, the HR Manager will need to use their discretion in deciding whether to move to the formal stage of the process.

Each case should be considered on its own merits and the HR Manager may contact the Trust's Human Resources and/or Occupational Health providers for advice. The HR Manager is will keep in mind the importance of considering any DDA or EA implications when managing / discussing absence.

4.9 Formal Process – Short & Long Term Sickness Absence

Formal Meeting – Stage One

When an employee's sickness absence gives cause for concern, a Formal Meeting (Stage One) will be arranged. The employee will be:-

- given 5 working days written notice of the date, time and place of the meeting;
- advised of the purpose of the meeting;
- advised of the right to be accompanied by a Trade Union representative or a work colleague;
- given a copy of this policy.

In cases of long term absence, with the employee's agreement, the meeting may take place at his or her home or any other mutually agreed venue. In cases of short and long term absence, where it is considered necessary the employee may be referred to the Trust's Occupational Health provider prior to the meeting.

The objectives of the meeting will be to:-

- review the attendance record of the employee and consider any available medical information;
- check the information on the sickness absence record so that the employee agrees with the facts;
- give the employee the opportunity to discuss the reasons for the absence(s);
- review any previous efforts to assist the employee and discuss any further assistance that may be necessary to help reduce the level of absence; consider reasonable adjustments as part of the requirements of the Disability Discrimination Act;
- explain to the employee the difficulties in service delivery that are being experienced as a result of the employee's absence;
- explain the availability of counselling services and referral to the Occupational Health provider, if appropriate.

After considering all the above the HR Manager will inform the employee and confirm this in writing, with a copy to the Trade Union representative or work colleague, advising of the actions that are necessary to improve the situation and specify the review period. The actions could include the following:-

- a review of working arrangements with further training as necessary and/or adjustments to the working environment;
- further referral to their Occupational Health provider;
- specifying that a doctor's medical certificate will be required for all further absences (the cost of which will be met by the Trust);
- reference to the Trust's employee counselling service provider.

Interim Review Meetings – Stage One

The employee's attendance record will be closely monitored by the HR Manager during the formal review period. The HR Manager will arrange interim review meetings with the employee during the formal review period to assess whether satisfactory improvement is being maintained.

Any further short term absences will be subject to close monitoring in the return to work interview. If the employee is on long term absence the HR Manager will maintain contact with the employee at least once a fortnight and, as necessary, consider referring the case to the Trust's Occupational Health provider for further advice.

If at any of the interim review meetings it is clear that there has been a deterioration in the employee's record for short term absences or there is no clear indication of an early return to work (in case of long term absence) then the employee will be informed at that interim review meeting that they will progress to a Formal Meeting (Stage Two). It is not necessary to wait for the end of the formal review period if absence levels have deteriorated before making the decision to progress to the next stage.

Where the HR Manager deems there has been a significant and satisfactory improvement in attendance the employee will be advised of this in writing and informed that no further progression through the formal process will take place as long as the improvement is maintained. However, the employee will continue to be monitored informally and should they fail to maintain a satisfactory level of attendance during the following 12 months it will result in the formal procedure continuing from the current stage, i.e. the Formal Meeting (Stage One). This applies to both short and long term sickness absence.

Where there is no improvement e.g. a deterioration in the record for short term absences or there is no clear indication of an early return to work (in the case of an employee on long term absence) then at the last interim review meeting of Stage One, the employee will be advised that a Formal Meeting (Stage Two) will be convened. In circumstances where there is some improvement a decision will be made whether to extend the existing review period.

Formal Meeting – Stage Two

If there is no improvement or no clear indication of an early return to work date, the HR Manager will arrange a Formal Meeting (Stage Two). This Formal Meeting (Stage Two) can be brought forward if at the interim review meetings in Stage One it is clear that no satisfactory improvement is being made.

In cases of short and long term sickness absence, prior to the meeting the employee will be referred to the Trust's Occupational Health provider so that medical advice can be made available at the meeting. The employee will be:-

- given 5 working days written notice of the date, time and place of the meeting;
- advised of the purpose of the meeting;
- advised of the right to be accompanied by a Trade Union representative or a work colleague;
- given a copy of this policy.

In cases of long term absence, with the employee's agreement, the meeting may take place at his or her home or any other mutually agreed venue

The Formal Meeting (Stage Two) will cover the same areas as the Formal Meeting (Stage One) (see above) and the employee will be informed of the serious nature of this meeting.

After considering all the above the HR Manager should inform the employee and confirm this in writing, with a copy to the Trade Union representative or work colleague, advising of the actions that are necessary to improve the situation and specify a further review period.

Interim Review Meetings – Stage Two

The employee's attendance record will be closely monitored by the HR Manager during the formal review period. The Line Manager should arrange interim review meetings with the employee during the formal review period to assess whether satisfactory improvement is being maintained.

Where there is a deterioration in the record for short term absences or there is no clear indication of an early return to work (in case of long term absence), then at any of the interim review meetings the employee will be informed that an appropriate Committee of the Trust's Governing Body will meet to review the case and that this could lead to termination of employment. The employee will be notified of the date this review will be carried out. The review should be carried out within 15 working days of the HR Manager submitting their report. This may be subject to extension where further information is required. This decision will rest with the appropriate Committee of the Governing Body.

It is not necessary to wait for the end of the formal review period if absence levels have deteriorated before making the decision to progress to the next stage.

Where the HR Manager deems there has been a significant and satisfactory improvement in attendance the employee will be advised of this in writing and informed that no further progression through the formal process will take place as long as the improvement is maintained. However, the employee will continue to be monitored informally and should they fail to maintain a satisfactory level of attendance during the following 12 months it will result in the formal procedure continuing from the current stage, i.e. the Formal Meeting (Stage Two). This applies to both short and long term sickness absence.

In circumstances where there is some improvement a decision will be made whether to extend the existing review period.

Academy Trust's Governing Body Committee Review

The appropriate Governing Body Committee will receive a report from the HR Manager and all relevant documentation confirming the outcome of the formal meetings and review periods. This documentation includes all correspondence, copies of referrals to the Occupational Health provider and assessment reports received, doctor's certificates, timelines, summary of report, copy of this policy, etc. The Governing Body Committee, before making a decision to terminate the employee's contract, will ensure that all the necessary processes have been followed:-

- adherence to the procedure including being given adequate warnings through formal interviews and being offered reasonable assistance to improve attendance;
- as appropriate compliance with the Disability Discrimination Act and the Equality Act has been maintained through the process;
- advice, as necessary, has been obtained from their Occupational Health provider.

If the Governing Body Committee feels they need to meet with the employee and/or HR Manager to gather more information before reaching a decision then a meeting will be convened at the earliest

opportunity (although this is not a hearing the employee should be given 5 working days notice of this meeting and allowed to be accompanied by a trade union representative/workplace colleague). Once more information has been obtained the Governing Body Committee will convene to complete their review and reach a final decision.

Where it is decided to terminate the employee's contract of employment, the employee will be given notice in accordance with the contract of employment.

N.B. The decision to terminate the contract is not on the grounds of ill-health retirement; it is because the Trust Governing Body, as the employer, has decided to terminate because the employee is not able to meet their obligation to work due to sickness absence.

The employee will be notified of the decision in writing within 10 working days of a decision being reached (whether a meeting was held or not) by the Clerk to the Governing Body and notified of their right of appeal.

Appeals

In cases of termination the employee will be notified of a right of appeal to the relevant Governing Body Committee. Such appeals will need to be submitted to the Clerk to the Governing Body within 10 working days of receipt of the written outcome of the Governing Body Committee review, and the appeal should clearly state the grounds for the appeal.

It is open to the Governing Body Appeals Committee due to hear the appeal, to extend the period in which to accept notification of appeal, but this should be in exceptional cases only and should have a clear majority of support of the committee.

Governors and the Headteacher may invite representatives of our HR provider to appeal hearings to provide advice and guidance.

Ill Health Retirement

In some circumstances where employees have difficulty sustaining work for health reasons, ill health retirement may be appropriate. The Trust's Occupational Health provider will be asked to explore ill health retirement by either the HR Manager or the employee. In cases where the HR Manager has asked for medical advice that ill health retirement be explored, the employee will be asked to consent to this process in the normal way, as medical information is needed from the employee's general practitioner and/or medical specialist.

For support staff any ill health retirement must adhere to rules laid out by the Local Government Pension Scheme. The essential point is that a member with three months membership or more whose employment is terminated on grounds of permanent ill health will be entitled to full payment of benefits according to three levels depending on the criteria met. For details please see www.berkshirerpensions.org.uk/employers_standard_forms.htm.

For teaching staff any ill health retirement must adhere to rules laid out by the Teacher's Pension Scheme. For details, please see www.teacherspensions.co.uk.

The medical parts of the paperwork for ill health retirement will be raised by the Trust's Occupational Health provider and the case will then be then forwarded to an Independent Medical Adviser who has not previously been involved with the management of the case and has no

connection to the Trust. This independent adviser will either approve or not approve the case. This decision is naturally subject to an appeals process discussed below. A charge for further medical advice may be incurred by the Trust.

Once the outcome of the medical opinion is known, a meeting will be arranged with the employee as soon as possible either at the workplace or, if necessary, at the employee's home, with the employee's agreement or at another agreed venue. The employee can be accompanied by a Trade Union representative or work colleague. The purpose of the meeting will be to explain to the employee the ill health retirement procedures.

The employee will be given formal notice in accordance with the contract of employment, with the right of appeal.

Right of Appeal against Independent Medical Adviser's Assessment

Employees who wish to appeal on these grounds should provide the Clerk to the Governing Body with a medical certificate disputing the Independent Medical Adviser's assessment within 10 working days of the notification to the employee of termination on the grounds of ill health retirement.

The Clerk to the Governing Body will arrange for this medical opinion to be referred to the relevant Governing Body Appeals Committee. The decision of the Governing Body Appeals Committee on whether the original assessment is upheld shall be final.

5 Links to Other Policies

Redeployment Policy – where redeployment is applicable, reference should be made to the Trust’s Redeployment Policy.

Disciplinary Policy – where absences are unauthorised and employees are not responding to the Headteacher’s/HR Manager’s communication this should be managed under the Trust’s Disciplinary Policy and following advice from their HR provider. Guidance on sickness absence during a disciplinary investigation and/or suspension can be found in the Headteacher’s/HR Manager’s Guidance document.

Exceptional Staff Absence Policy – where absences are not because of sickness.

6 Governing Body Approval

This policy is reviewed by the Strategic board of the Governing Body and approved by the Full Governing Body on their recommendation.

Approved	Next Review	Comments
Jan 2011	Jan 2013	Implementation of Slough's Model School Sickness Absence Policy (June 2009).
Jan 2013	February 2014	Policy based on schools HR sickness policy was reviewed to apply Trust wide in Feb 2014
October 2014	Sept 2016	