



HR: STAFF SICKNESS ABSENCE POLICY

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| Applicable to: | All Trust Schools |
| Reviewed By: | SP |
| Approved By: | |

Comments:

This document has been reviewed in line with the Trust's policy to do so every three years. The document has been approved by external HR consultants.

Contents

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|---|----|
| 1. Policy statement | 3 |
| 2. Personnel responsible for this policy | 3 |
| 3. Who is covered by the policy? | 3 |
| 4. Disabilities | 3 |
| 5. Sickness absence reporting procedure..... | 4 |
| 6. Evidence of incapacity | 4 |
| 7. Unauthorised absence..... | 5 |
| 8. Sick pay | 5 |
| 9. Keeping in contact during sickness absence | 5 |
| 10. Medical examinations | 6 |
| 11. Return-to-work interviews | 6 |
| 12. Returning to work from long-term sickness absence | 6 |
| 13. Sickness absence meetings procedure | 6 |
| 14. Right to be accompanied at meetings..... | 7 |
| 15. Stage 1: first sickness absence meeting..... | 8 |
| 16. Stage 2: further sickness absence meeting(s)..... | 8 |
| 17. Stage 3: final sickness absence meeting..... | 9 |
| 18. Appeals..... | 9 |
| 19. Links to other policies..... | 10 |

1. Policy Statement

1. 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.
2. Sickness absence can vary from short intermittent periods of ill-health to a continuous period of long-term absence and have a number of different causes (for example, injuries, recurring conditions, or a serious illness requiring lengthy treatment).
3. We wish to ensure that the reasons for sickness absence are understood in each case and investigated where necessary. In addition, where needed and reasonably practicable, measures will be taken to assist those who have been absent by reason of sickness to return to work.
4. This policy applies to all employees. It does not apply to agency workers, consultants or self-employed contractors.
5. This policy does not form part of any employee's contract of employment and it may be amended at any time. We may also vary the procedures set out in this policy, including any time limits, as appropriate in any case.
6. Any information you provide to us about your health will be processed lawfully and in accordance with our Data Protection Policy. We recognise that such data is sensitive and will handle it in a confidential manner.

2. Personnel Responsible for this Policy

The Partnership Trust has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. Day-to-day responsibility for operating the policy and ensuring its maintenance and review has been delegated to the HR Department.

3. Who is covered by the policy?

This policy covers all employees at all levels and grades, including senior managers and part-time, fixed-term employees.

4. Disabilities

The statutory definition of a disability is outlined in section 6(1) of the Equality Act 2010: *"A person (P) has a disability if P has a physical or mental impairment, and the impairment has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities"*.

4.1 We are aware that sickness absence may result from a disability. At each stage of the sickness absence meetings procedure (set out in paragraph 3 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.

4.2 If you consider that you are affected by a disability or any medical condition which affects your ability to undertake your work, you should inform the designated senior member of staff.

5. Sickness absence reporting procedure

If you do not have a sickness absence reporting procedure in your contract, you should follow the sickness absence procedure below.

5.1 If you are taken ill or injured while at work you should report or be taken to the designated senior member of staff and be given permission to leave work. Managers should contact the office to make arrangements for anyone who is unwell to be accompanied home and/or to receive medical treatment where necessary.

5.2 If you cannot attend work because you are ill or injured you should normally telephone your line manager as early as possible and no later than the local school requirements. 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.

5.3 You may be contacted from time to time, during your absence by your line manager or senior leader who will want to enquire after your health and be advised, if possible, as to your expected return date.

6. Evidence of incapacity

6.1 For sickness absence of up to seven calendar days you must complete (immediately upon your return) a self-certification form which is available from the school office.

6.2 For absence of more than seven consecutive days including weekends, you must also obtain a certificate from your doctor (a "Statement of Fitness for Work") stating that you are not fit for work and the reason(s) why. This should be forwarded to the designated senior member of staff as soon as possible. If your absence continues, further medical certificates must be provided.

6.3 If your doctor provides a certificate stating that you "may be fit for work" you should inform the designated senior member of staff immediately. We will discuss with you any additional measures that may be needed to facilitate your return to work, taking account of your doctor's advice. This may take place at a return to work interview (see paragraph 11). If appropriate measures cannot be taken, you will remain on sick leave and we will set a date to review the situation.

6.4 Where we are concerned about the reason for absence, or frequent short-term absence, 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 production of a doctor's invoice.

7. Unauthorised absence

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

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

7.3 If you do not report for work and have not followed the school's procedure for reporting absence, the designated senior member of staff will try to contact you, by telephone and in writing if necessary. This should not be treated as a substitute for reporting sickness absence.

8. Sick pay

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

8.2 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, you must immediately notify the designated senior member of staff 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.

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 or a senior leader in order to discuss your wellbeing, expected length of continued absence from work and for you to inform us of any of your work that may need attention. Such contact is intended to provide reassurance and will be kept to a reasonable minimum. Reasonable contact is:

- to discuss the employee's plans to return to work.
- to discuss any special arrangements to be made, or training to be given, to ease an employee's return to work; or
- to update the employee on developments at work during their absence. This would not constitute 'work' and such contact will not bring the sick absence period to an end.

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

10. Medical examinations

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

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

11. Return-to-work interviews

11.1 If you have been absent on sick leave for more than 5 consecutive days we will arrange for you to have a return-to-work interview with a member of the Senior Leadership Team or Senior Management Team, as appropriate.

11.2 A return-to-work interview enables us to confirm the details of your absence. It also gives you the opportunity to raise any concerns or questions you may have, and to bring any relevant matters to our attention.

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

12. Returning to work from long-term sickness absence

12.1 We are committed to helping employees return to work from long-term sickness absence. As part of our sickness absence meetings procedure (see paragraph 13), 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 a return to work programme with everyone affected.

13. Sickness absence meetings procedure

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

Have been absent due to illness on a number of occasions;

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

Have been absent for more than 10 days within a calendar year.

13.2 Unless it is impractical to do so, we will give you 5 days written notice of the date, time and place of a sickness absence meeting. We will put any concerns about your sickness absence and the basis for those concerns in writing or otherwise advise why the meeting is being called. A reasonable opportunity for you to consider this information before a meeting will be provided.

13.3 The meeting will be conducted by a senior member of the leadership team and may be attended by the Trust Business Director. You may bring a companion with you to the meeting (see paragraph 14).

13.4 You must take all reasonable steps to attend a meeting. Failure to do so without good reason may be treated as misconduct. If you or your companion are unable to attend at the time specified you should immediately inform the line manager who will seek to agree an alternative time.

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

13.6 Confirmation of any decision made at a meeting, the reasons for it, and of the right of appeal will be given to you in writing within 5 working days of a sickness absence meeting (unless this time scale is not practicable, in which case it will be provided within 7 days or as soon as is practicable).

13.7 If, at any time, it is considered that you have taken or are taking sickness absence when you are not unwell, they may refer matters to be dealt with under our Disciplinary Procedure. Medical advice will be sought if and when appropriate.

14. Right to be accompanied at meetings

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

14.2 Your companion may be either a trade union representative or a fellow employee. Their identity should be confirmed to the senior leader conducting the meeting, at least 48 hours before it takes place.

14.3 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.

14.4 Some companions may not be allowed: for example, anyone who may have a conflict of interest, or whose presence may prejudice a meeting.

14.5 We may at our discretion, permit a companion who is not an employee or union representative (for example, a family member) where this will help overcome particular difficulties caused by a disability, or difficulty understanding English.

14.6 A companion may make representations, ask questions, and sum up your position, but will not be allowed to answer questions on your behalf. You may confer privately with your companion at any time during a meeting.

15. Stage 1: first sickness absence meeting

15.1 The purposes of a first sickness absence meeting may include:

- a) Discussing the reasons for absence.
- b) Where you are on long-term sickness absence, determining how long the absence is likely to last.
- c) Where you have been absent on a number of occasions, determining the likelihood of further absences.
- d) Considering whether medical advice is required.
- e) Considering what, if any, measures might improve your health and/or attendance.
- f) Agreeing a way forward, action that will be taken and a time-scale for review and/or a further meeting under the sickness absence procedure.

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

16.1 Depending on the matters discussed at the first stage of the sickness absence procedure, a further meeting or meetings may be necessary. Arrangements for meetings under the second stage of the sickness absence procedure will follow the procedure set out in the arrangements for and right to be accompanied at sickness absence meetings.

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

- a) Discussing the reasons for and impact of your ongoing absence(s).
- b) Where you are on long-term sickness absence, discussing how long your absence is likely to last.
- c) Where you have been absent on a number of occasions, discussing the likelihood of further absences.
- d) If it has not been obtained, considering whether medical advice is required. If it has been obtained, considering the advice that has been given and whether further advice is required.
- e) Considering your ability to return to/remain in your job in view both of your capabilities and our business needs and any adjustments that can reasonably be made to your job to enable you to do so.
- f) Considering possible redeployment opportunities and whether any adjustments can reasonably be made to assist in redeploying you.
- g) Where you are able to return from long-term sick leave, whether to your job or a redeployed job, agreeing a return to work programme.
- h) If it is considered that you are unlikely to be able to return to work from long-term absence, whether there are any benefits for which you should be considered.
- i) Agreeing a way forward, action that will be taken and a time-scale for review and/or a further meeting(s). This may, depending on steps we have already taken, include warning you that you are at risk of dismissal.

17. Stage 3: final sickness absence meeting

17.1 Where you have been warned that you are at risk of dismissal, we may invite you to a meeting under the third stage of the sickness absence procedure. Arrangements for this meeting will follow the procedure on the arrangements for and right to be accompanied at sickness absence meetings.

17.2 The purposes of the meeting will be:

- a) To review the meetings that have taken place and matters discussed with you.
- b) Where you remain on long-term sickness absence, to consider whether there have been any changes since the last meeting under stage two of the procedure, either as regards your possible return to work or opportunities for return or redeployment.
- c) To consider any further matters that you wish to raise.
- d) To consider whether there is a reasonable likelihood of you returning to work or achieving the desired level of attendance in a reasonable time.
- e) To consider the possible termination of your employment.

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

18. Appeals

18.1 You may appeal against the outcome of any stage of this procedure and you may bring a companion to an appeal meeting (see paragraph 14.).

18.2 An appeal should be made in writing, stating the full grounds of appeal, to the Chair of Governors/CEO/Chair of Trust Board as applicable, within 10 working days of the date the sickness absence meeting was held.

18.3 Unless it is not practicable, you will be given written notice of an appeal meeting within 5 working 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.

18.4 You will be provided with written details of any new information which comes to light before an appeal meeting. You will also be given a reasonable opportunity to consider this information before the meeting.

18.5 An appeal meeting will be conducted by a Governing body or Trust Board committee.

18.6 Depending on the grounds of appeal, an appeal meeting may be a complete rehearing of the matter or a review of the original decision.

18.7 Following an appeal the original decision may be confirmed, revoked or replaced with a different decision. The final decision will be confirmed in writing, if possible within 5 working days of the appeal meeting. There will be no further right of appeal.

18.8 The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity or pay.

19. Links to other policies:

- Staff Time off Work

- Stress Management