

EQUITAS ACADEMIES TRUST



Chilwell Croft
Academy

STAFF SICKNESS ABSENCE POLICY

Review Date: September 2019
To be Reviewed: September 2020
Agreed: F&GP Board
Policy Lead: Zoe Donnelly

STAFF SICKNESS ABSENCE POLICY

1. INTRODUCTION

This policy sets out our procedures for reporting sickness absence and for the management of sickness absence in a fair and consistent way.

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).

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.

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.

As part of the application of this policy, the Trust will collect, process and store personal data and special categories of data in accordance with our data protection policy. We will comply with the requirements of the Data Protection Legislation (being (i) the General Data Protection Regulation ((EU) 2016/679) (unless and until the GDPR is no longer directly applicable in the UK) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998, including the Data Protection Act 2018), in relation to how we collect, hold and share special category personal data. Records will be kept in accordance with our Staff Privacy Notice and in line with the requirements of Data Protection Legislation.

2. SCOPE AND PURPOSE

This policy has been agreed in consultation with the recognised trade unions and covers all employees at all levels and grades regardless of status except those employees who are in their probationary period.

The purpose of the policy is to ensure that staff understand the expectations of the Trust in terms of attendance at work. In applying this policy, we aim to ensure that attendance is managed appropriately and consistently and that employees receive relevant support.

3. DEFINITIONS

Short-term sickness absence - any absence that lasts between half and 20 days (four working weeks).

Long term sickness absence – any absence that lasts for a continuous period of longer than four weeks.

4. DISABILITIES

We are aware that sickness absence may result from a disability. At each stage of the sickness absence meetings procedure, 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.

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 HR Department.

Sickness absence reporting procedure

All employees are required to follow the reporting procedure set out in appendix 1.

If you are taken ill or injured while at work, you should report this promptly to your line manager or a member of the senior leadership team. Managers should contact the Headteacher and/or HR Manager or relevant first aider to make arrangements for anyone who is unwell to be accompanied home and/or to receive medical treatment where necessary.

If you cannot attend work because you are ill or injured, you should follow the instructions laid out in Appendix 1. The following details should be provided when calling:

- 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.

Contacting by text message or email is not acceptable.

Managers should ensure that:

- Any sickness absence that is notified to them is reported to the HR department.
- Arrangements are made, where necessary, to cover work and to inform colleagues (while maintaining confidentiality).

You should expect to be contacted during your absence by your line manager or the HR department who will want to enquire after your health and be advised, if possible, as to your expected return date.

If you are ill or injured during a period of pre-arranged annual leave you may elect to treat the days of incapacity as sickness absence instead of annual leave. You must inform your manager of your incapacity and its likely duration as soon as possible even if you are abroad. The usual requirements for self-certification and medical certificates in this policy will apply.

5. EVIDENCE OF INCAPACITY

For sickness absence of between four and seven calendar days you must complete a self-certification form which is available from the HR department.

Equitas Academies Trust

For 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 the HR department as soon as possible. If your absence continues, further medical certificates must be provided to cover the whole period of absence.

If your doctor provides a certificate stating that you 'may be fit for work' you should inform the HR department 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 0.1). If appropriate measures cannot be taken, you will remain on sick leave and we will set a date to review the situation.

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.

Where an employee is absent immediately prior to an Academy closure period, they will continue to be deemed as being absent for the purposes of recording sickness and statutory and/or contractual sick pay during the Academy closure period, unless they provide a fit note indicating they are fit to return to work. The cost of fit note will be covered by the Trust if applicable.

6. UNAUTHORISED ABSENCE

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

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

If you do not report for work and have not telephoned to explain the reason for your absence, your line manager or the HR Manager will try to contact you, by telephone and in writing if necessary. This should not be treated as a substitute for reporting sickness absence.

7. SICK PAY

Sick pay (other than Statutory Sick Pay (SSP)) is paid at the discretion of the Headteacher and is dependent upon the employee concerned complying with the Trust's sickness management procedures. The amount of sickness pay, which may be paid, is based on length of service.

Teaching Staff

Length of Service	Full Pay (working days)	Half Pay (working days)
0 – 4 months	25	Nil
4 months – 1 year	25	50
1 – 2 years	50	50
2 – 3 years	75	75
Over 3 years	100	100

Equitas Academies Trust

Mondays – Fridays are counted.

Sickness entitlement for teaching staff starts from 1 April each calendar year.

Support Staff

Length of Service	Full Pay (days)	Half Pay (days)
0 – 4 months	26	Nil
4 months – 1 year	26	52
1 – 2 years	52	52
2 – 3 years	104	104
3 – 5 years	130	130
Over 5 years	156	156

Mondays – Saturdays and holiday periods are counted

All sickness calculations are based on a rolling 12-month period – counting back twelve months from the date of the first day of the current absence.

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 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.

Failure to properly report your absence or to provide medical or self certification could lead to your pay being suspended.

The Trust reserves the right to withhold sick pay in the following circumstances:

- You have not followed the correct absence notification procedure;
- You have an illness or injury which has been self-inflicted;
- You have an illness or injury which results from your own misconduct or neglect;
- You have an illness or injury which has been caused by outside employment.
- You are absent due to sickness or injury during disciplinary procedures against you.
- You are working elsewhere during your period of absence, whether or not this is during your normal working hours

8. KEEPING IN CONTACT DURING SICKNESS ABSENCE

If you are absent on sick leave you should expect to be contacted from time to time by your line manager and the HR department in order to discuss your wellbeing, expected length of

continued absence from work and any of your work that requires attention. Such contact is intended to provide reassurance and will be kept to a reasonable minimum.

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 your line manager or the HR department at any time.

9. MEDICAL EXAMINATIONS

We may, at any time in operating this policy, ask you to consent to a medical examination by our Independent Medical Advisors (at our expense).

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.

Failure to agree to a reasonable request may result in decisions being made in the absence of medical information. In some circumstances disciplinary action may be taken where you do not cooperate with the sickness absence process

In the event of a difference of opinion between your GP and the Trust's occupational health advisors, regarding your fitness for work, functional capacity or the existence of an underlying medical condition contributing towards persistent absences, the occupational health advisor's advice will normally take precedence. In some cases, an independent medical advisor may be asked to give a second opinion.

10. RETURN-TO-WORK INTERVIEWS

When you return to work you should report direct to the HR Department for an informal discussion. This should be done prior to starting your school day. **THIS IS SO THAT WE CAN ENSURE YOU ARE FIT TO RETURN TO WORK AND PROVIDE ANY WORKPLACE ADJUSTMENTS OR SUPPORT IF NECESSARY.** If you have been absent on sick leave for more than 3 days, we will arrange for you to have a return-to-work interview with a member of the HR department.

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.

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.

11. RETURNING TO WORK FROM LONG-TERM SICKNESS ABSENCE

We are committed to helping employees return to work from long-term sickness absence. 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 a return to work programme with everyone affected.

If you are unable to return to work in the longer term, we will consider whether you are entitled to any benefits under your contract.

12. SICKNESS ABSENCE MEETINGS PROCEDURE

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

- Have discussed matters at a return to work interview that require investigation and/or have been absent due to illness on a number of occasions in line with the following triggers (pro-rata for part time staff);
- Three or more occasions in any rolling 12 month period
 - 6 or more days in any rolling 12 months
 - Or any other pattern that causes concern

The policy may still be applied where the employee persistently falls just below the trigger points and where the absence is perceived to be a problem.

Unless it is impractical to do so, we will give you five 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.

The meeting will be conducted by a member of the HR department and will normally be attended by a member of the senior leadership team / Business Manager / Line Manager. You may bring a companion with you to the meeting (see paragraph 14).

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 HR department who will seek to agree an alternative time.

A meeting may be adjourned if the person chairing the meeting 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.

Confirmation of any decision made at a meeting, the reasons for it, and of the right of appeal (if a formal warning is issued) 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).

Formal warnings issued for sickness absence will remain live for a period of 12 months from the date of issue, during which time further absences beyond the review period would be

dealt with either at the next stage of the procedure or by an extension of the current live warning. If further absences occur shortly after the end of the 12 month period (or any extended warning), The Trust reserves the right to deal with the matter at the same stage of the procedure and not return to an earlier stage.

If, at any time, the Senior Leadership team / Business Manager / Line Manager considers that you have taken or are taking sickness absence when you are not unwell, they may refer matters to be dealt with under the Disciplinary Procedure.

13. RIGHT TO BE ACCOMPANIED AT MEETINGS

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

Your companion may be either a trade union representative or a work colleague. You should provide their details to the person conducting the meeting, in good time before it takes place.

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.

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

14. STAGE 1: FIRST SICKNESS ABSENCE MEETING

This will follow the procedure set out in paragraphs 13 and 14 on the arrangements for and right to be accompanied at sickness absence meetings.

The purposes of a first sickness absence meeting may include:

- Discussing the reasons for absence.
- Where you are on long-term sickness absence, determining how long the absence is likely to last.
- Where you have been absent on a number of occasions, determining the likelihood of further absences.
- Considering whether medical advice is required or, if already obtained, what that advice is.
- Considering what, if any, measures might improve your health and/or attendance.
- Determining a way forward, action that will be taken and a time-scale for review and/or a further meeting under the sickness absence procedure.
- Warning you that your employment may be at risk if your attendance does not improve.

Following the meeting the HR Manager will write to the employee. The letter will summarise the main points from the meeting, including agreed actions, confirmation that an improvement in attendance is expected, timescales for improvement and the date for a

review meeting. The letter will also explain that continued poor attendance may result in action being taken in line with stage two of these procedures.

Where attendance improves to an acceptable level the HR Manager will hold a review meeting to confirm this and decide the need for or frequency of further monitoring meetings. Following the meeting the HR Manager will write to the employee confirming the outcome.

15. STAGE 2: FURTHER SICKNESS ABSENCE MEETING(S)

Depending on the matters discussed at the first stage of the sickness absence procedure, or where concerns about attendance continue, a further meeting or meetings may be necessary. Arrangements for meetings under the second stage of the sickness absence procedure will follow the procedure on the arrangements for and right to be accompanied at sickness absence meetings.

The purposes of further meeting(s) may include:

- Discussing the reasons for and impact of your ongoing absence(s).
- Where you are on long-term sickness absence, discussing how long your absence is likely to last.
- Where you have been absent on a number of occasions, discussing the likelihood of further absences.
- 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.
- Considering your ability to return to/remain in your job in view both of your capabilities and the needs of the Trust 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 are able to return from long-term sick leave, whether to your job or a redeployed job, agreeing a return to work programme.
- 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.
- Determining 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.

Having taken in to account all of the relevant facts and consulted with the employee, the HR Manager / Headteacher / Line manager may decide to:

take no further action

extend the period of monitoring and review

issue a formal warning notifying the employee of the risk of dismissal if attendance does not improve. This will normally remain on record for 12 months.

Following the meeting, the HR Manager will write to the employee confirming the outcome of the meeting and the employee's right to appeal, within 5 working days, if a formal attendance warning has been issued.

Where attendance improves to an acceptable level the HR Manager/Headteacher or line manager will hold a review meeting to confirm this and decide the need for or frequency of further monitoring meetings. This will be confirmed in writing to the employee.

16. STAGE 3: FINAL SICKNESS ABSENCE MEETING

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 set out in paragraphs 13 and 14 on the arrangements for and right to be accompanied at sickness absence meetings.

The purposes of the meeting will be:

- To review the meetings that have taken place and matters discussed with you.
- 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.
- To consider any further matters that you wish to raise.
- To consider whether there is a reasonable likelihood of you returning to work or achieving the desired level of attendance in a reasonable time
- To consider the possible termination of your employment.

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

Having taken in to account all of the relevant facts and consulted with the employee, the HR Manager / Headteacher / Line manager may decide to:

take no further action

extend the period of review and monitoring, for example to allow for improvement in the employee's fitness as a result of treatment or improvement in attendance as a result of adaptations or adjustments that can be put in place

issue a final attendance warning, notifying the employee of the risk of dismissal if attendance does not improve, including the timescale for improvement

Following the meeting, the HR Manager will write to the employee confirming the outcome of the meeting and the employee's right to appeal, within 5 working days, if a formal attendance notification has been issued.

A further review meeting will be held where the case will be reviewed and examined by the HR Manager/Headteacher or another senior manager in consultation with the employee and a decision will be taken to either:

take no further action

extend the period of review and monitoring, for example to allow for improvement in the employee's fitness as a result of treatment or improvement in attendance as a result of adaptations or adjustments that can be put in place

recommend dismissal and arrange a formal hearing

Where dismissal action is not taken and attendance improves for a sustained and reasonable period, formal monitoring will normally cease but if levels increase again within the period of the formal attendance warning, then this will trigger the reinstatement of this procedure at stage three.

At any stage the HR Manager / Headteacher / Line Manager may decide it is reasonable to extend review periods or improvement notice periods to ensure sustained improvement is achieved.

17. APPEALS

You may appeal against a dismissal outcome and you may bring a companion to an appeal meeting.

An appeal should be made in writing, stating the full grounds of appeal, to the Headteacher within five days of the date on which the decision was sent to you.

Unless it is not practicable, you will be given five written days' notice of an appeal 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.

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.

Where practicable, an appeal meeting will be conducted by someone more senior to the individual who conducted the sickness absence meeting.

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

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 five days of the appeal meeting. There will be no further right of appeal.

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.

18. REVIEW OF POLICY

This policy is reviewed annually by the HR department. We will monitor the application and outcomes of this policy to ensure it is working effectively.

Date of next review: September 2020

Appendix 1 – Reporting Procedure

Aston Manor Academy – Absence reporting procedure

All employees are required to follow the absence reporting guidelines explained below.

Support staff should telephone the Chief Operations Officer between 7.30 am - 8.00 am on each day of absence unless the period of absence is covered by a Doctor's note.

Teaching staff should telephone the Headteacher, between 7.15 am and 8.00 am on each day of absence unless the period of absence is covered by a Doctor's note.

Staff should continue to stay in contact throughout the duration of their absence.

Chilwell Croft Academy – Absence Reporting procedure

All employees are required to follow the absence reporting guidelines explained below.

All teachers, TA's and learning mentors should telephone the Headteacher, by 7:30 am at the latest on each day of absence, unless the period of absence is covered by a Doctor's note.

All Support staff should telephone the Business Manager by 7.30 am at the latest on each day of absence, unless the period of absence is covered by a Doctor's note.

Staff should continue to stay in contact throughout the duration of their absence.