



## Staff Sickness Absence Policy

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# **1. Introduction**

- 1.1. We are committed to promoting your wellbeing while encouraging you to maximise your attendance at work. 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).
- 1.2. We wish to ensure that the reasons for sickness absences are understood in each case and investigated where necessary. In addition, where needed and practicable within the context of the responsibilities and function of the role, measures will be taken to assist those who have been absent by reason of sickness to return to work.
- 1.3. 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.
- 1.4. If you believe that you are affected by a disability or any medical condition which affects your ability to undertake their work, you should inform your line manager.
- 1.5. This policy does not form part of any contract of employment or other contract to provide services, and we may amend it from time to time.

# **2. Who does this policy apply to?**

- 2.1. This policy applies to employees only. It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns.
- 2.2. This policy does not apply to employees during their probationary period.

# **3. Sickness absence reporting procedure**

- 3.1. If you are taken ill or injured while at work, you should report to your line manager to be given permission to go home.
- 3.2. If you cannot attend work because you are ill or injured, you should follow your department/school protocols and telephone your line manager (or appropriate alternate in their absence) and/or cover administrator (teachers) The following details should be provided:

- a) The nature of your illness or injury;
  - b) The expected length of your absence from work;
  - c) Contact details if different from those held by the department/school;
- 3.3. You should expect to be contacted during periods of absence by your line manager who will want to enquire after your health and be advised, if possible, as to an expected return date.

### **Evidence of Incapacity**

- 3.4. Under the Conditions of Service for School Teachers in England and Wales (the Burgundy Book) you shall not be entitled to sick pay unless we are notified of your absence by no later than the fourth day of absence and a doctor's statement is supplied not later than the eighth day of absence and subsequent doctor's statements are submitted at the same intervals as required for D.S.S. (N.I.) purposes.
- 3.5. 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 your line manager as soon as possible. If the absence continues, further medical certificates must be provided to cover the whole period of absence.
- 3.6. If your doctor provides a certificate stating that you "may be fit for work" you should inform your line manager 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 below). If appropriate measures cannot be taken, you will remain on sick leave, and we will set a date to review the situation.
- 3.7. 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. If so, 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.
- 3.8. If you are undergoing an elective or cosmetic surgery or procedure, for which you will be absent from work, any entitlement to company sick pay (as set out below) will be subject to receipt of satisfactory medical evidence. This medical evidence will need to be in the form of a report from your doctor or a specialist confirming that you are undergoing the procedure on medical advice. You may be required to take annual leave for any absence related to a purely elective procedure.

## **Unauthorised absence**

- 3.9. Cases of unauthorised absence will be dealt with under our Disciplinary Policy.
- 3.10. Absence that has not been notified according to the sickness absence reporting procedure will be treated as unauthorised absence. If your absence is unauthorised or you provide false and/or misleading information you may suffer deductions in pay, disciplinary action and/or withdrawal of your right to self-certify periods of absence going forward.
- 3.11. If you do not report for work and have not telephoned in accordance with this policy to explain the reason for your absence, your line 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.

## **Keeping in contact during sickness absence**

- 3.12. If you are absent on sick leave you should expect to be contacted from time to time by your line manager in order to discuss your wellbeing, expected length of continued absence from work and any of your work that requires attention in your absence. Such contact is intended to provide reassurance and will be kept to a reasonable minimum.
- 3.13. 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 at any time.

## **Medical examinations**

- 3.14. We may, at any time in operating this policy, request you to consent to a medical examination by occupational health or a doctor nominated by us at our expense.
- 3.15. 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.
- 3.16. Refusal to consent to us obtaining further medical information to inform our decision making will result in a decision being made based on the information we have available to us.

## **Return-to-work Interviews**

- 3.17. If you have been absent on sick leave we will arrange for you to have a return-to-work interview with your line manager.
- 3.18. 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.
- 3.19. 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.
- 3.20. If we have a concern regarding your fitness to return to work, you may be sent home and requested to provide a Fit Note confirming that you are fit to return. We may also/alternatively request your consent for a referral to occupational health to assess your ability to return.

### **Returning to work from long-term sickness absence**

- 3.21. We are committed to helping members of staff 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:
- a) obtaining medical advice;
  - b) making reasonable adjustments to the workplace, working practices and working hours;
  - c) considering redeployment; and/or
  - d) agreeing a return-to-work programme with everyone affected.
- 3.22. If you are unable to return to work in the longer term, we will consider whether you are entitled to be considered for ill-health retirement.

### **Sickness absence meetings procedure**

- 3.23. We may apply this procedure whenever we consider it necessary, including but not exclusively, and by example only, if you:
- a) have been absent for a total of 5 or more days during a rolling three-month period;
  - b) have been absent on three different occasions during a three-month rolling period;

- c) have discussed matters at a return-to-work interview that require investigation; and/or
  - d) have been absent for more than 10 days in a rolling twelve-month period.
  - e) A regular pattern of absence, for example: always falling on a Monday/Friday, following and preceding annual leave, or public holidays.
- 3.24. Unless it is impractical to do so, or otherwise agreed with you, 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.
- 3.25. The meeting will be conducted by your line manager or a senior manager as appropriate, [and may be attended by a member of the HR department and/or a note-taker].
- 3.26. You must take all reasonable steps to attend the meeting. Failure to do so without good reason may be treated as misconduct. If you are unable to attend at the time specified, you should immediately inform your line manager who will seek to agree an alternative time.
- 3.27. A meeting may be adjourned if the manager 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.
- 3.28. Confirmation of any decision made at a meeting, the reasons for it, and of the right of appeal (where relevant) 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 as soon as is practicable).
- 3.29. If, at any time, your 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 our Disciplinary Policy.

## **Right to be accompanied at meetings**

- 3.30. You may bring a companion to any meeting or appeal meeting under this procedure.
- 3.31. Your companion may be either a trade union representative or a colleague. Their details must be given to the manager conducting the meeting, in good time before it takes place; if the companion is deemed unsuitable you will be advised in good time of the reason and to arrange an alternative.
- 3.32. 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.
- 3.33. We may at our discretion permit other companions (for example, a family member) where this will help overcome particular difficulties caused by a disability, or difficulty understanding English.
- 3.34. 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.

## **Step 1 - First Sickness Absence Meeting:**

- 3.35. 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) Considering whether to remove the right to self-certify absences;
  - g) Agreeing a way forward, action that will be taken (such as setting an attendance target and a timescale for review) and/or a further meeting under the sickness absence procedure.
  - h) Considering whether to issue a formal warning regarding attendance.



## **Step 2 - Further sickness absence meeting(s)**

- 3.36. 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 under stage 1 above, including the arrangements for and right to be accompanied.
- 3.37. The purpose 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 timescale 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.
  - j) Considering whether to issue a warning or a final written warning regarding attendance.
- 3.38. If you have been issued with a warning having failed to achieve an

attendance target set at a first sickness absence meeting, a further target will be set and this may include a warning that failing to achieve that target may result in dismissal.

### **Ill-Health Retirement**

- 3.39. In addition to the matters which may have been considered at the first or further sickness absence meetings, if it is considered that you are unlikely to be able to return to work from long-term absence, we will consider and discuss with you, whether an application for ill-health retirement should be made:
- 3.40. For support staff, if occupational health makes a recommendation that you are eligible for retirement on the grounds of ill health; the Head (school staff) or CFOO (shared services staff) will arrange a meeting to discuss this with you.
- 3.41. For teachers, if occupational health makes a recommendation that you are eligible for ill-health retirement; we will consider and discuss with you, whether you wish to submit an application to the Teachers Pension Scheme.
- 3.42. Consideration of ill-health retirement will not preclude the process continuing to a final sickness absence hearing.

### **Step 3 - Final Sickness Absence Hearing**

- 3.43. If retirement on the grounds of ill-health is not appropriate, and it does not look as if you will be well enough to return to work within a reasonable timeframe, or you have failed to achieve an attendance target set at a further sickness absence meeting and have been warned that you are at risk of dismissal, we may invite you to a hearing to consider the possibility of terminating your employment.
- 3.44. The hearing will be held by the Head (school staff) or the CFOO (shared services staff).
- 3.45. The purposes of the hearing 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, 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.
- 3.46. Termination will normally be with full notice or payment in lieu of notice.

### **Sequence of Meetings**

- 3.47. In the event that one or more further absence meetings/hearings have been held, and agreements and actions agreed have not been fulfilled, and/or absence through sickness has not abated, or has resumed within any period up to 12 months, the process will not revert to a first absence meeting; a further absence meeting or a final sickness absence hearing may be arranged.

### **Appeals**

- 3.48. You may appeal against the outcome of any stage of this procedure, and you may bring a companion (a colleague or trade union representative) to an appeal meeting. You should appeal in writing, stating your full grounds of appeal, to the Clerk to the ESW Board within 5 working days of the date on which you were informed in writing of the decision.
- 3.49. Appeals will be held by CEO or his/her designate who may be another member of the Trust executive leadership or a Head not associated with the member of staff concerned.
- 3.50. Unless it is not practicable, you will be given written notice of an appeal meeting within one week 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.
- 3.51. 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.
- 3.52. Depending on the circumstances, an appeal meeting may be a complete rehearing of the matter or a review of the original decision.
- 3.53. The final decision will be confirmed in writing, if possible, within one week of the appeal meeting. There will be no further right of appeal.

- 3.54. 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.