



SIR THOMAS RICH'S

Staff Sickness Absence Policy

Date reviewed: March 2023

Responsibility: The School's senior management team (SMT) draws up the school's Staff Sickness Absence Policy. It is the responsibility of the Trustees' Personnel Committee to agree the principles, review the procedures and monitor its implementation.

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1. Introduction

- 1.1.** The Governing Body recognises its responsibility for the health, safety and welfare of its staff. This sickness Absence Policy sets out our procedures for reporting sickness absence and for the management of sickness absence in a fair and consistent way. This policy places emphasis on proactive support for staff in the event of ill health difficulties. This policy does not form part of any employee's contract of employment and it may be amended at any time.
- 1.2.** It is the responsibility of Line managers to monitor and control absence and to respond effectively to actual and potential problems. The School expects high standards of attendance from all staff as it does for pupils. It is the responsibility of all levels of management to ensure these standards are achieved and to raise awareness of the effect of sickness absence levels on the effectiveness of the work of the School. Managers have a clear obligation placed on them to identify and address problems in the work environment and/or job factors that may be contributing to staff absence.
- 1.3.** Sickness absence can vary from short intermittent periods of ill-health to a continuous period of long-term absence and have a number of different causes (for example, injuries, recurring conditions, or a serious illness requiring lengthy treatment).
- 1.4.** A Line Manager or member of the Leadership team will undertake
- Return to work discussions
 - Sickness Absence Meetings
 - Stage 1 Meetings (and review Stage 1 decisions at appeal)

The Headmaster will normally hold a Stage 2 meeting. In the event that the Headmaster has held the Stage 1 meeting then Stage 2 will be considered by a committee of Governors.

2. Employees' Responsibilities

2.1. Attend work when fit to do so

2.2. Follow the Notification of Sickness Absence procedures:

- An employee in a school who is prevented by illness from reporting for duty shall personally notify the Cover Manager as soon as possible and not later than 8.00am by telephone on the FIRST DAY OF ABSENCE.
- If an employee does not report for work and has not explained the reason for absence then the Cover Manager will normally try to contact the employee, by telephone text or email. This must not be treated as a substitute for reporting sickness absence.
- A medical certificate (Fit Note) must be provided from the EIGHTH day of absence (including Saturdays and Sundays). This should be provided to the line manager and Cover Manager as soon as possible and, if absence continues further, Fit Notes should be provided to cover the whole period of absence. Failure to do so may result in non-payment of sick pay (where applicable) and/or disciplinary action if appropriate.
- Employees must continue to submit medical certificates (Fit Notes) during school closure periods.

2.3. Self-Certification

All employees must complete a self-certification form detailing the reason for absence for any period of sickness absence up to seven days. The self-certification form must be completed immediately on return to work.

2.4. Attend an Occupational Health Appointment

An employee shall, if required at any time, attend a medical examination by a registered medical practitioner nominated by the school, subject to the provisions of the Access to Medical Reports Act 1988 where applicable.

2.5. Ensure medical advice is obtained and adhered to in order to facilitate a return to work as soon as possible.

3. Illness or Injury Arising from Work

3.1 Any accident arising out of or in the course of employment with the school must be reported and recorded in accordance with the procedures laid down by the School.

3.2 Where an employee seeks medical advice about an illness which is suspected or alleged to result from the nature of his or her employment the employee must report relevant information to their line manager or a member of the leadership team at the first opportunity;

- 3.3** In the case of the first, and any subsequent absence, due to industrial disease or accident an employee shall submit, at any time during such absence, if so required by the employer, to a medical examination by a registered medical practitioner nominated by the school.

4. Return to Work

4.1. Phased returns

Where an employee returns to work on a part time basis following long term sickness absence, with the expectation that they will be able to work their full contractual hours within a reasonable period of time (normally, within 4 weeks), on medical advice provided by the Occupational Health service, the following arrangements will normally be made in relation to pay:

- Where the employee has exhausted sick pay, the salary payment made will be based on the number of hours worked.
- Where the employee has not exhausted sick pay, the employee will be paid in accordance with the number of hours worked, or the occupational sick pay entitlement that would be payable if the employee remained sick, whichever is the greater amount.

- 4.2.** If the employee returns to work with a medical certificate (fit note) which states they 'may be fit for work', the advice on the note will be discussed and consideration will be given as to how it impacts upon the job, the workplace, pupils and colleagues. Options may include a phased return to work, altered hours, amended duties or workplace adaptations. If a return to work is possible the agreed action plan will be documented and implemented.

5. Trade Union Representatives

Trade union representatives are subject to the same standards of attendance as other employees. However, to ensure that they are not discriminated against as a result of carrying out their legitimate trade union duties, no action under the formal process will be taken against a recognised trade union representative without prior discussion with the area or regional full time trade union officer.

6. Probationary Periods for Support Staff

All new support staff employees are subject to a probationary period. Sickness absence issues that arise during a support staff employee's probationary period will be taken into account in determining whether or not the probationary period is completed satisfactorily and this procedure will not apply.

7. Equality Act

- 7.1** The governing body fully recognises its legal obligations to fulfil the requirements of the Equality Act and that a failure to comply with this duty will amount to an act of discrimination. In the event that this procedure is applied to an employee who is disabled under the Equality Act then a detailed investigation will be undertaken to ensure that the school's legal obligations have been fully met, in particular with regard to an analysis of requests for reasonable adjustments, the implementation of those adjustments and the effects of these adjustments.

- 7.2** Absences due to an employee's disability under the Equality Act will not be taken into account when monitoring levels of sickness absence unless there is the impact of the absence on teaching and learning or the effectiveness of the work of the School cannot be reasonably tolerated.

- 7.3** If an employee considers that they are affected by a disability or any medical condition which affects their ability to do their work, then they should inform their line manager.

8. Attendance at Meetings

- 8.1** Throughout this procedure, if an employee indicates that they are too unwell to attend an in-person formal or informal meeting they will be given the option to:
- Meet in a neutral venue or by video conference or at their home; or
 - Send a trade union representative or work colleague to attend the meeting on their behalf
 - Provide a written submission; or
 - Request that the meeting takes place in their absence.
- 8.2** If an employee fails to communicate their wishes with regard to the above, the meeting may take place in their absence with the outcome communicated to them in writing. Meetings will not be postponed beyond 5 days unless there is medical evidence that the employee is not medically fit to take part by any of the means described above.
- 8.3** Any Line manager or member of the leadership team visiting an employee's home will be accompanied by another manager; the employee will be entitled to be accompanied by a person of their choice at a home meeting.

9. Informal Procedure

Informal action would normally be triggered when an employee has had:

- A total of 7 working days absence within 1 term
- 10 working days within 3 terms
- 3 occasions of absence within 1 term or
- Unacceptable, unusual or concerning patterns of absence

Action to address the situation should be taken as soon as there is a concern about an employee's absence and should not be delayed.

9.1 Return to Work Discussion

When an employee returns to work following a seven-day period of sickness absence, the employee's line manager or a member of the leadership team will normally meet with the employee. The purpose of this meeting is to determine the reason for the absence and, where appropriate, offer assistance and support. It is also an opportunity to identify any difficulties that the employee is experiencing in carrying out the duties of the post.

9.2 Sickness Absence Interviews

Sickness absence interviews will be arranged with employees whenever it is considered necessary, for example, following a period of extended sickness absence, unacceptable patterns of absence or where an employee's absence rate is significantly higher than other members of staff

In preparation for the meeting the Line Manager /member of leadership team will:

- Consider the School's statistical data on levels and types of sickness absence for all staff to ensure consistency.
- Confirm that the 'trigger point' has been reached or that the record shows a pattern of absence or some other factual data which identifies the cause for concern.
- Consider the job description and the impact of the absences on the work of the School and on the work group.

The purpose of the meeting is to consider the sickness absence of the employee, the prognosis for recovery and whether the School can do anything to assist the employee to approve attendance. There is no entitlement for the employee to be accompanied at an informal Sickness Absence Interview. A 'notetaker' may be present but that will not normally be necessary.

9.3 Monitoring Period Following Sickness Absence Interview

After conducting a sickness absence interview the line manager or member of leadership team will review or monitor the employee's attendance for a further period, normally this will be for a period of one month and no longer than three months. Further interviews may take place during the monitoring period if there is more sickness absence.

The line manager/ member of leadership team will assess the employee's absence record and its effects on the work of the School, and attempt to establish reasons for the absences; identify underlying trends and seek to offer any assistance to the employee (e.g. Occupational Health Services), with a view to supporting the employee and improving the employee's attendance record.

During the monitoring period the line manager / member of leadership team may require that any period of absence is covered by a medical certificate (Fit Note). If the employee has a fit note which states 'may be fit for work', the process in 4.2 will also be followed. If the suggested support cannot be reasonably accommodated in order to facilitate the employee's return to work, a decision may be made to move to the formal part of the procedure.

9.4 Where the line manager / member of leadership team is of the view that the employee's attendance has not improved to acceptable standards after the review period, the line manager should either inform the employee that the issue will:

- be referred to Stage 1 of the formal procedure. A letter requiring attendance at a Stage 1 meeting will be sent to the employee or
- if there are exceptional circumstances, extend the review period.

10. Formal Procedure

10.1 When should formal action be taken?

Formal action should be taken when the employee has:

- Repeated periods of short-term absence and attendance that are deemed unacceptable following informal action. i.e more than total of 7 working days absence within 1 term, 10 working days within 3 terms or 3 occasions of absence within 1 term
- A previous formal warning on file for attendance that is still current and there continues to be a concern.

- A period of long-term absence where the prognosis is good, but a return to work is not expected within 12 weeks.
- A period of long-term absence in addition to an attendance history that is deemed unacceptable.

10.2 Stages in the Process

There are two stages in the formal process. The procedure can end at any point in the process if there is sustained improvement. If further concerns arise within 12 months of a Stage 1 meeting being held the procedure may resume at Stage 2.

10.3 Before starting the formal procedure, the line manager or member of leadership team will satisfy themselves that sufficient reasonable action has been taken under the informal procedure to:

- seek medical advice from occupational health;
- consider whether the employee has a disability under the Equality Act;
- consider any support, training and adjustments that have been requested or implemented and the outcome of these actions;
- whether there are any other work related issues.
- ensure that the employee has been consulted throughout the informal process;
- consider all of the circumstances and available information.

11. Preparation for Stage 1 Formal Meeting

A member of the leadership team / line manager will arrange a formal meeting with the employee, giving him/her at least 5 working days 'notice, in writing, of:

- the reason for the meeting, outlining the concerns about the employee's attendance ;
- the time, date and location of the meeting;
- who will be conducting the meeting and who else will be present;
- copies of any documents to be referred to including any previous action plan;
- the employee's right to be accompanied and to refer to any documents if he/she wishes; and
- the requirement, for the employee to provide two days prior to the meeting:
 - the name of his/her representative (if applicable); and
 - copies of any papers

12. Stage 1 Meeting

12.1. At the stage 1 meeting the line manager/ member of the leadership team will explain the purpose of the Stage 1 meeting, which may include;

- Discussing the reasons for absence.
 - Where the employee is on long-term sickness absence, determining how long the absence is likely to last.
 - Where the employee has been absent on a number of occasions, determining the likelihood of further absences.
 - Considering whether medical advice is required.
 - Considering what, if any, measures might improve the employee's health and/or attendance.
- Discussing the way forward and determining an action plan that clearly identifies:
 - the improvements necessary to achieve the expected standards;

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

12.2 Within 5 working days of the formal stage 1 meeting the member of the leadership team will write to the employee to:

- confirm the action plan in writing; and
- advise the employee that if he/she fails to achieve the improvements in the review period a Stage 2 meeting will be arranged where dismissal for lack of capability due to ill-health will be considered;
- confirm the employee's right to ask that a member of the leadership team or Governors review the decision at an appeal meeting (See section 18)

12.3 Stage 1 Review Period

The member of the leadership team will ensure that during the review period the employee's attendance is closely and objectively monitored. Normally, weekly supervision meetings will be held between the employee and the member of leadership team to ensure:

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

12.4 Notes of the monitoring process will be kept by the line manager/ member of the leadership team and a copy provided to the employee. The notes may be referred to at Stage 2 of the procedure.

13. Review Period Evaluation

13.1 If, at the end of the review period, the employee's performance has improved to acceptable standards, no further action will be taken under this procedure, unless standards are not sustained during the next 12 months.

13.2 The decision to take no further action will be confirmed by the member of the leadership team in writing, within 5 working days. This letter will also confirm that the improved attendance must be sustained consistently during the next 12 months and explain that if there are further issues the Sickness Absence procedure may be invoked at Stage 2. A copy of this letter will be kept on the employee's personnel file.

13.3 An employee, who sustains the improved performance consistently over the 12 month period, will receive a further letter to acknowledge his/her continued efforts and confirm that any future attendance issues will be dealt with informally in the first instance.

13.4 If at the end of the review period, the employee's attendance has not improved to acceptable standards then the issue will be referred to the Headmaster under Stage 2 of the procedure or in exceptional circumstances the review period will be extended.

13.5 If the employee is in a Pension Scheme, s/he will be given the option to explore eligibility for an ill health pension award prior to convening a Stage 2 Meeting.

14. Preparation for a Stage 2 Meeting

14.1. The Headmaster will normally hold a formal meeting with the employee giving him/her at least 5 working days' notice, in writing, of:

- the reason for the meeting, outlining the outstanding concerns about the employee's work attendance due to ill-health;
- the time, date and location of the meeting;
- who will be conducting the meeting and who else will be present; any documents to be referred to in the discussions, including, as appropriate, previous action plans, notes of the monitoring process, copies of reports received from Occupational Health;
- the employee's right to be accompanied and to refer to any documents he/she wishes, copies of which should be sent to the Headmaster 2 days in advance of the meeting; and
- the possible consequences of the meeting, i.e. that it may result in the employee's dismissal on the grounds of lack of capability due to ill-health.

15. Stage 2 Meeting

15.1. At the meeting the Headmaster will

- explain the purpose of the Stage 2 meeting;
- ask the member of the leadership team to outline:
 - the ways in which the employee has been assessed as not meeting the expected work attendance standards due to ill-health; and
 - the process so far under the Staff sickness Absence procedure;
- review in detail, as appropriate,
 - standards of attendance expected;
 - details of Sickness Absence Interview meetings, records of home visits or other meetings plus any other information relating to the informal action taken;
 - monitoring of attendance against action plans;
 - medical advice received from Occupational Health; and
 - measures taken by management to support the employee, e.g. reasonable adjustments;
 - discuss with the employee and his/her representative whether, the employee has been assessed as achieving the required improvements in attendance;
- review the effect of the poor attendance on teaching and learning, service delivery and work colleagues;
- explore, as appropriate, the potential for the employee to achieve a sustained improvement in attendance;
- give the employee and/or his/her representative every opportunity to answer the points made and to give an explanation or put forward any mitigating circumstances; and
- discuss any options regarding the employee's pension that may be available.

15.2. In circumstances where the Headmaster has assumed the role of the member of the leadership team or does not have delegated power of dismissal, a committee of Governors will assume the role of the Headmaster as set out above.

16. Stage 2 Decision

Following the discussions the Headmaster will adjourn the meeting to consider the options available:

- to take no further action under the procedure;

or

- to set a further/final review period to allow for additional monitoring and/or additional management support. A further formal Stage 2 meeting will be held at the end of this review period. If attendance is not satisfactory by that time then the employee will be dismissed for lack of capability due to ill-health.

or

- to dismiss the employee for lack of capability due to ill-health ensuring that alternative work options have already been explored or will be explored during the employee's notice period, that there is no prospect of their return within a reasonable timeframe, or that they will be able to achieve or sustain their attendance.

17. Dismissal

17.1 If the decision at the Stage 2 meeting is to dismiss, the Headmaster will inform the employee and his/her representative, orally, that the employee is dismissed, with the required contractual or statutory notice, on the grounds of lack of capability due to ill-health.

17.2 The Headmaster will confirm in writing, to the employee within 5 working days:

- that he/she has been dismissed;
- the grounds for dismissal and the reasons;
- the required contractual or statutory notice due and the date the dismissal will be effective;
- the employee's right of appeal to an Appeals Committee of the Governing Body against the dismissal.

18. Appeals

18.1 An employee has the right to appeal against the outcome of any formal stage of this procedure and they may bring a trade union representative or work colleague to an appeal meeting.

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

18.3 Unless it is not practicable, the employee 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.

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

18.5 Where practicable, an appeal meeting will be conducted by the Headmaster or an Appeals Committee of the Governing Body.

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

- 18.7** 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.
- 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.