



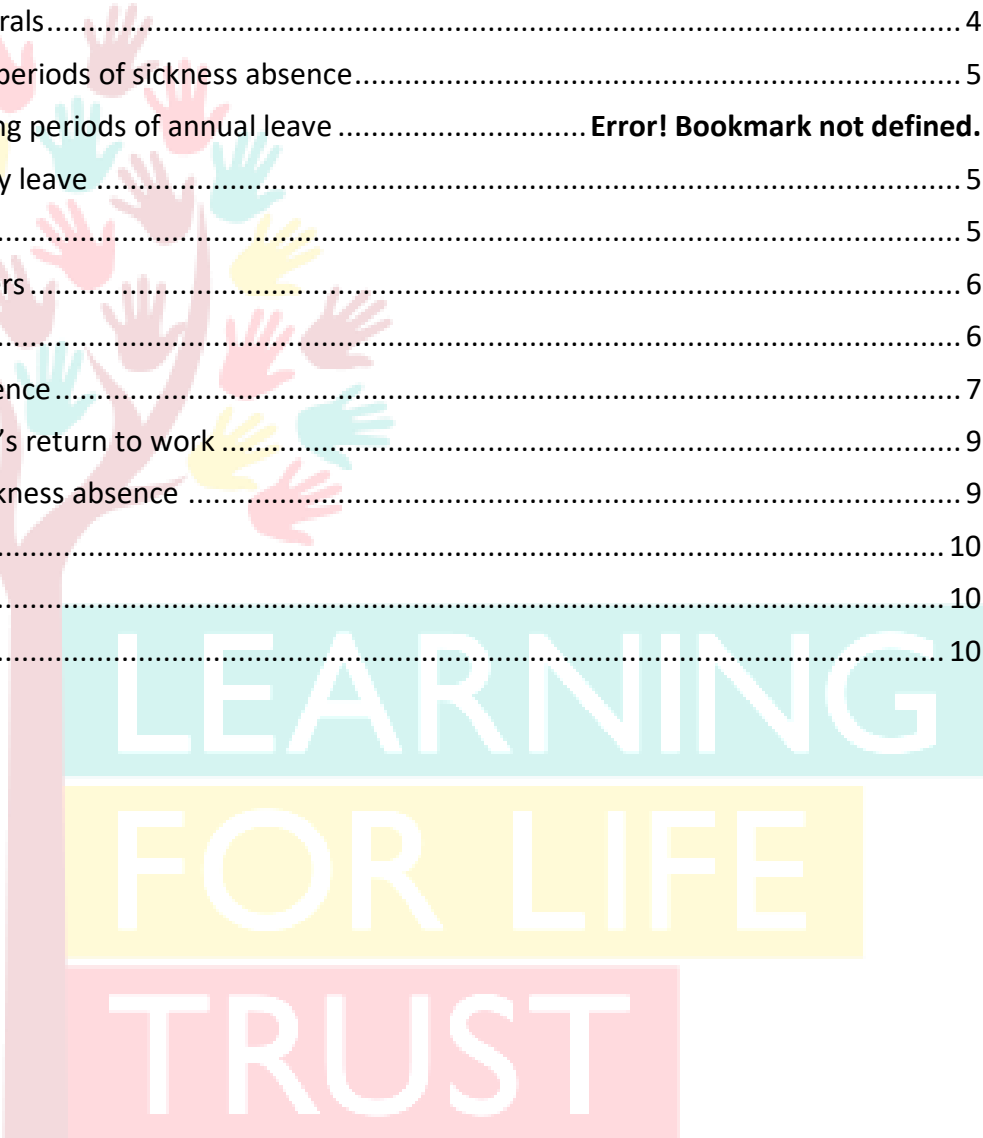
LEARNING  
FOR LIFE  
TRUST

# Sickness Absence Policy

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## 1.0 Introduction

It is recognised that from time to time employees may be absent from work due to illness and the organisation is committed to supporting employees who are unwell and to assisting them to return to work where possible. The purpose of this policy is to outline the approach that will be taken when managing employee sickness absence issues. It enables managers to address any absence issues in a fair, consistent and supportive manner and provides an outline of the principles which will be followed as all cases must be dealt with on an individual basis.

The Learning for Life Trust takes the health and wellbeing of its employees seriously and the aim of this policy is to balance the needs of the organisation to secure regular attendance at work and the need for absent employee's to be given time to recover from illness.

The Learning for Life Trust recognises that early intervention and effective communication are key to managing attendance at work and will help to identify solutions, including; making use of the various stages of this policy, utilising compassionate leave and flexible working arrangements, and incorporating reasonable adjustments to the employee's role or workplace.

The Learning for Life Trust understands and accepts that employees will be absent from work for genuine absence reasons from time to time and that it has a duty of care to its employees. As part of this duty of care, managers will take steps to mitigate against causes of illness and absence, in order to achieve a happier, healthier workforce. However, this must be balanced with a consideration of the effects absence can have upon other employees and the overall provision of education to pupils. It should therefore be noted that it may not be reasonable or feasible for the organisation to sustain employment in all circumstances where there remains persistent, frequent or long-term absence or ill-health.

## 2.0 Scope

The policy applies to all employees of the organisation. All employees will be made aware of the existence of this policy and will have access to a copy.

Any fraudulent or unauthorised absence will be managed as a conduct issue under the organisation's Disciplinary Policy.

## 3.0 Employee Responsibilities

Employees are responsible for ensuring that they have read, understood and comply with the Sickness Absence policy in full.

Employees are responsible for informing their line manager of any difficulties that they are having in relation to ill health, and any ways this might affect their attendance or performance at work.

Employees are expected to attend sickness absence review meetings, return to work interviews and medical assessments as required and to return to work as soon as they are fit to do so.

Employees are required to self-certificate all occasions of sickness absence which last up to seven calendar days. If the sickness absence lasts for seven or more calendar days, a certificate from their GP must be provided. If absence is protracted, it is the employee's responsibility to ensure that new GP certificates are provided to the Academy before the previous certificate expires. Employees should be aware that if sick notes are not provided on time or if any period of sickness absence in excess of seven calendar days is not covered by a GP certificate, sick pay may be withheld or delayed as a result.

## 4.0 Line Manager Responsibilities

The employee's line manager will make every attempt to support and assist an employee who has health issues, within the constraints of the operation of the organisation.

Line managers are responsible for ensuring that return to work interviews are carried out after each occasion of absence and that the reasons for absence are accurately recorded.

Line managers are also responsible for arranging absence review meetings, for making medical referrals as appropriate and maintaining accurate confidential records.

All discussions about sickness will be kept confidential and only shared with Senior Management / HR when necessary.

## 5.0 Absence Reporting

Employees must notify the organisation of any absence as follows:

- Employees should inform their line manager or nominated school contact by telephone (not by text, email or passing a message via a colleague) at least one hour (or by the time established in the academy arrangements) before their scheduled start time each day they are unable to attend work due to illness, unless agreed otherwise with the line manager e.g. in the case of longer term illness.
- The call should be made by the employee personally unless they are physically unable to do so and the employee should advise the reason for their absence, provide an indication as to the likely length of absence and details of any work commitments which need to be covered.
- If the illness is of a sensitive nature the employee can request to speak to a manager of the same sex.
- If their line manager is unavailable, the employee should contact another designated manager / the school office to provide:
  - i. Notification of their absence,
  - ii. A clear indication of the nature of the illness,
  - iii. Details of any work commitments to be covered,
  - iv. The likely date of return to work,
  - v. Contact details where the line manager can reach them should they require any additional information from the employee.

Failure to follow absence reporting procedures may be regarded as a conduct issue and dealt with under the organisation's Disciplinary Policy.

## 6.0 Medical Reports / Referrals

If an employee's sickness absence or the reasons for their sickness absence are a cause for concern, the employer will advise the employee of the need to make a medical referral / request a medical report. The employee's rights under the Data Protection Act 2018 and Access to Medical Reports Act 1998 are not affected however if the employee refuses to attend a medical referral, provide a medical report or give permission for the report to be provided to the line manager then management of the situation will continue and the employee informed that decisions will be made on the basis of the evidence which is available.

## 7.0 Communication during periods of sickness absence

During any period of sickness absence, it is the responsibility of both the line manager and the employee to ensure that regular and appropriate communication takes place. This is to ensure that the employee is supported during their period of ill health and kept up to date with workplace developments. It is also important that the manager is kept informed of the employee's health situation to allow effective resource planning, to ensure that the right approach is adopted in the management of the employee's sickness absence and to ensure that any actions necessary to support the employee to return to work are discussed and considered. The line manager will determine the frequency and nature of such contact through discussions and agreement with the employee.

## 8.0 Illness prior to Maternity leave

Maternity leave and pay will be triggered if an employee is absent with pregnancy-related sickness during the last four weeks of pregnancy. There is no entitlement to sick pay whilst employees are on maternity leave.

## 9.0 Illness due to Disability

If an employee is or has become disabled, the organisation has a legal duty to make reasonable adjustments to ensure that the employee is not at a substantial disadvantage in comparison to non-disabled colleagues, in accordance with provisions in the Equality Act 2010.

Employees are encouraged to discuss any disability which is impacting, or which may impact, on their attendance or performance at work with their line manager as soon as possible. All such discussions will be kept confidential and will only be shared with any other parties e.g. medical practitioners or HR if necessary. During these discussions the emphasis will be on the support and/or adjustments which could reasonably be provided to ensure that the employee is not placed at a substantial disadvantage in the workplace. Advice from Occupational Health may be sought as part of this decision-making process.

Reasonable Adjustments may include (but are not limited to):

- Allocating alternative duties
- Altering hours of work
- Assigning a different place of work
- Allocating a 'buddy' to support the employee
- Providing specialist equipment
- Adjustment may be made to the number of days absence that trigger unsatisfactory attendance procedures (Occupational Health advice must be sought in this instance)
- Allowing a longer period of time for reviewing reasonable adjustment or seeking redeployment
- Allowing the employee to take Disability Leave where appropriate
- Extension to sickness entitlement

Factors determining whether it is reasonable for the organisation to make changes, include (but are not limited to):

- How much the alteration will improve the situation for the disabled person
- How easy it is to make the change
- The cost of the change, financially and practically
- Health and Safety implications
- The impact of the change on the rest of the team, and
- The resources available to the organisation

## 10.0 Sickness Absence Triggers

The Academy reserves the right to take action pursuant to this policy if they become concerned about the health / attendance levels of any staff member.

The undernoted points may be used as an indication as to when the employee's absence may be considered a concern and which may therefore trigger further discussions and meetings with the employee regarding their health and attendance at work:

- Four or more separate occasions of sickness absence in a rolling 12-month period, whether self / GP certified.
- Self-certificated absences in any 12-month period exceeding 15 working days.
- If a pattern of sickness absence has been identified e.g. Mondays, Fridays or the last day of term etc.
- When a manager has reasonable concern over the pattern of an employee's attendance at work e.g. absences are for frequent and unrelated non-specific illnesses, such as headache, stomach-ache, back trouble, especially where these are self- certificated.

## 11.0 Medical Suspension

In certain circumstances it may be appropriate to medically suspend an employee, for example:

- where the employee and their GP consider they are fit to return to work, without any adjustments/modifications and the line manager believes they are not and therefore would like further clarification from Occupational Health, before allowing the employee to return to work.
- Medical suspension could also apply where the line manager believes the employee is not fit to attend work but the employee refuses to go on sick leave, and therefore the line manager may medically suspend the employee until Occupational Health advice is received.

If the GP recommends any adjustments which, having undertaken the necessary risk assessment, the line manager cannot accommodate, employees will remain off sick for the period specified on the Fit Note. This will not constitute a medical suspension, and instead is a continuation of the period of sickness.

Wherever possible, prior to initiating medical suspension, alternatives such as temporarily adjusting the employee's substantive duties or temporary redeployment to another role should be carefully considered using any advice from the GP contained on the Fit Note where appropriate. In such circumstances it would be appropriate to undertake a risk assessment, Workplace Assessment and/or Display Screen Equipment (DSE) Assessment.

Any decisions to medically suspend need to be based on sound justification and the line manager should be able to demonstrate this through a risk assessment. Having considered the views of the employee the line manager should be able to clearly explain the reasons for their decision.

If it is considered that there are sufficient grounds to suspend, the line manager should discuss this with the Headteacher/Governing Body. The line manager should convene a suspension meeting as soon as possible after the decision has been made, which should be followed up in writing. The employee has a right of representation at the suspension meeting. However, the unavailability of a representative must not delay convening the suspension interview or the suspension itself. If the need to medically suspend the individual is urgent and it is not possible to convene a face to face meeting, the line manager may telephone the employee to inform them of the medical suspension and follow up the discussion in writing.

Medical suspension will be on contractual pay and does not impact on sick pay. It is not appropriate where the employee is already on long term sick leave.

Review of medical suspension should take place once the required medical information is provided by Occupational Health. If the required information is received is that the employee is able to return to work, the medical suspension will be lifted. If the employee is still unable to perform their duties the line manager may decide to invoke the formal stages of this policy to manage that absence. HR provider advice should be sought in these cases.

## 12.0 Managing Sickness Absence

If an employee's absence is starting to present a cause for concern the line manager should first raise the issue as part of return to work interviews to make the employee aware of their pattern(s) of absence, and that if it leads to triggers being hit (detailed in Section 10), further management intervention may be required.

If despite discussions at return to work interviews, issues remain, the line manager may deal with the absence and progress the employee's case in accordance with the following stages:

Stage 1 – Absence Monitoring

Stage 2 – Absence Monitoring

Stage 3 – Sickness Absence Dismissal Hearing

At all stages, the employee will be given [10] working days' notice of the meeting/hearing and the employee will be entitled to be accompanied by a trade union representative or a work colleague. The line manager may be supported by HR. At the meetings, the discussion may include areas such as exploring the reasons for the absence, the causes of the absence, any underlying medical issue which may be affecting attendance and any possible support which would help the employee achieve a satisfactory level of attendance. Where appropriate, reasonable adjustments (including redeployment) may be considered at all stages. Prior to a Stage 3 Hearing, the manager may suggest an occupational health referral, but will in any event make reasonable endeavours to obtain a medical report prior to any dismissal at Stage 3.

### Stages 1 and 2

As part of meetings at Stages 1 and 2, the line manager may set a target for improved attendance and a review period, which will be discussed with the employee. The target set and length of review period will be for the line manager to determine and the purpose is to set a clear expectation of the level of attendance and improvement required from the employee. The target set will need to be below the organisation's usual trigger points (see Section 12) for both short and long-term absence. The length of review period will either be 2, 3 or 4 months, depending on the circumstances. For example, for short term absence cases, a target of no further absences in a (shorter) two-month review period may be reasonable. For long-term absences, the target may be to get the employee to return to work within a given number of months, with such support being offered as is both reasonable and appropriate.

At the conclusion of meetings at Stages 1 and 2, the employee will be given a warning that their pattern of absence has reached that stage of the procedure, and be placed on a formal absence monitoring review period, during which their attendance will be expected to improve. If there is no improvement within the stipulated review period, the line manager will consider whether to progress and invite the employee to a further meeting at the next stage of the procedure. The line manager has discretion to meet the employee again at the same stage, for example, where there has been partial-improvement, and a further meeting at the same stage can take place and new targets and/or review period set.

### Stage 3 - Dismissal Hearing

If an employee's absence does not improve to the extent that they are progressed and invited to a meeting at Stage 3 of the procedure, the employee will be informed that one outcome of that hearing is that their employment may be terminated. To ensure fairness, the Stage 3 hearing will be heard and determined by an impartial manager or hearing panel (this may be a Headteacher, or Panel of at least 2 Governors if the Headteacher has managed the absence) with no prior involvement in the case, and the line manager will present their case for dismissal to that manager/panel.

The employee will be invited and entitled to present their case at the hearing, to explain why their attendance has not improved and any mitigating circumstances, before a decision is made.

The employee will be required to give an explanation as to why their attendance has not improved and the hearing manager/panel will demonstrate what action, adjustments and discussion have taken place with the employee at earlier Stage 1 and Stage 2 management interventions.

If the hearing manager/panel is satisfied that the absences are attributable to short or long-term sickness, and everything has been reasonably undertaken to assist the employee improve that attendance and/or return to work, they will be able to dismiss the employee with notice on the grounds of 'some other substantial reason' (where no underlying medical condition is identified) or 'capability' due to ill-health, (where an underlying medical condition is identified).

If the hearing manager/panel is not satisfied that the absences are attributable to short or long-term sickness and/or that satisfactory action has not been taken, they can consider the options of further involvement of occupational health, or to extend the review period and agree to meet again with the employee. The employee needs to be notified of the possibility of dismissal should there not be any significant improvement.

If the employee has reached the required level of attendance and no further action is required, then they are required to maintain this level of attendance for one year. If the satisfactory improvement proves to be only temporary the Principal has the option of returning immediately to this point in the procedure.

The outcome of the Stage 3 Hearing will be confirmed in writing to the employee within 5 working days, stating the outcome with reasons. Once a decision to dismiss has been made and written notification has been sent to the employee, the organisation may advertise to recruit to the post, once it has been confirmed that the employee has not submitted a written notification of an appeal against the decision.

An employee has the right to appeal against any dismissal under this procedure to an Appeal Panel of 3 Governors with no prior involvement in the case. To that end, the Hearing Manager/Panel must specify in the outcome letter one person from the Appeal Panel to whom an appeal can be made.

### Dismissal Appeal

To appeal against a dismissal, the employee must write to the nominated person of appeal within 10 working days of the Stage 3 Hearing and must specify reasons for the appeal. Appeals should normally be restricted to:

- The reasonableness of the decision
- Any relevant new evidence that was not known or available at the time of the hearing
- Procedural irregularities
- Unfair procedure or unfairness of management practice



The Appeal will be heard by a Panel will then arrange an appeal hearing and give the employee 10 working days' notice of the same. The employee has the right to be accompanied at the hearing in the same way as all previous stages. The Appeal Panel can be supported by HR.

Appeals against dismissals are re-hearings, and no new evidence will be presented unless this was not known or available at the time of the hearing and this is notified and submitted 5 days in advance of the appeal hearing.

Potential Outcomes - notified to the employee within 5 working days of the Appeal Hearing:

- Confirmation that the initial dismissal decision is upheld
- Confirmation that the Appeal is upheld
- Confirmation of a further monitoring period, at an appropriate stage of the sickness absence procedure.

If any formal meetings are arranged under the Absence, Disciplinary or Capability policies then the employee will be entitled to be accompanied by a work colleague or their Trade Union representative. It is the employee's responsibility to arrange for a companion to be present if required. The manager may be accompanied by a HR Adviser and a note-taker may also be present. The outcome of any such meetings will be confirmed in writing to the employee, ideally within five working days of the meeting taking place and the employee will be entitled to appeal against any formal warnings issued or sanctions imposed.

It is important to note that any formal action taken under either the Disciplinary or Capability policy will be on the basis of issues such as the employee's poor attendance record; their persistent failure to follow absence reporting procedures or the provision of false / fraudulent information etc. as appropriate and not as a result of the sickness itself.

### 13.0 Sustaining an employee's return to work

When the employee returns to work they are expected to achieve and maintain a level of absence which does not exceed the organisation's trigger points (see Section 10) or the agreed target set by the line manager. The stage that had been reached in the sickness absence management procedure will remain 'live' for one year. The employee's absences will be reviewed throughout this time and if the satisfactory improvement proves only to be of a temporary nature, the line manager has the option of returning immediately to the point in the procedure the employee had reached when they returned to work.

Where an employee returns to work following a period of long-term absence (i.e. absence exceeding [ 1 ] month) they will have also exceeded the short-term absence trigger points (set out in Section 12) and the line manager has the option to manage their ongoing absence under this procedure. If the employee had previously hit short-term triggers prior to being absent on long term sickness, they will return to the point in the procedure (if any) they had previously reached.

### 14.0 Managing long term sickness absence

Each situation will be dealt with individually and as appropriate. The Academy will provide all possible reasonable support and will consider all reasonable adjustments to help an employee return to and remain at work. Medical advice will be sought as appropriate. The employee and their representative, where applicable, will be fully involved in the management of the situation at all stages.

Where a phased return to work is recommended by a medical practitioner, this will be discussed with the employee and accommodated where possible however the employee should be aware that the employer is not obliged to follow the recommendations made by medical practitioners. Any phased return to work must suit the organisational requirements of the Academy and if a suggested phased return to work cannot be accommodated then the Academy

will treat the Fit Note as confirmation that the employee remains unfit to return to work and require the employee to remain absent for its duration, during which time the employee will continue to receive sick pay as per their contractual / statutory entitlement.

If it is anticipated that the recovery will be long term or that a return to the substantive post will not be possible, the Academy will make attempts to identify any suitable alternative employment options available within the Academy/Trust, if appropriate, and will discuss any such opportunities, where available, with the employee / their representative.

If recovery is not expected within a reasonable timescale, or if no return to the substantive or any alternative employment is foreseen, then an application for Ill Health retirement may be made by the employee (at their election) if they are a member of the pension scheme and if medical advice is that they may meet the criteria for Ill Health retirement.

If Ill Health retirement is not granted, or if the employee chooses not to apply or is not eligible for Ill Health retirement and it is no longer possible to keep the employee's job open then the employee's case may be progressed to a Stage 3 Sickness Absence Dismissal Hearing. The employee will be informed that their employment is at risk and that the matter will be referred to the Governing Body to consider termination of employment on the grounds of capability due to ill health.

## 15.0 Terminal Illness

There are occasions where an employee with a terminal illness wishes to be dismissed and may be eligible for early release of pension benefits. The organisation therefore has discretion on application of this procedure in such circumstances and may take into account:

- The medical condition.
- How long the employee is expected to live, as this may be critical in establishing the most beneficial course of action.
- In extreme cases, the employee will be kept on the payroll, even though they have exhausted their entitlement to sick pay. This removes the need to add further distress by formally dismissing someone who is dying where it is to the employee's advantage to remain in service due to their entitlement to benefits such as death in service.

The line manager should deal with such situations compassionately taking into account the wishes of the employee and their financial situation as well as the needs of the Academy/Trust. Each case will be considered on its own circumstances and advice must be sought from pensions, Occupational Health and/or HR.

## 16.0 Sick Pay

Employees who are absent from work due to illness will be paid contractual / statutory sick pay in accordance with their contractual entitlement and statutory regulations provided they follow the appropriate reporting and certification requirements. If the reporting and certification requirements are not followed in full then payment of sick pay may be delayed or withheld.

## 17.0 Notice Periods

An employee who is dismissed is entitled to contractual notice in accordance with their conditions of service.

For teaching staff, notice can only be effective from the end of each term i.e. 30 April, 31 August, 31 December. The Conditions of Service for School Teachers states the final date each term when notice can be issued. It must also be

ensured that a teacher is given contractual notice, which is 1 weeks' notice for every year of service, up to a maximum of 12 weeks.

For support staff, the notice period is dependent upon the length of continuous service. The Conditions of Service gives a minimum entitlement of 1 weeks' notice for every year of service, up to a maximum of 12 weeks.

Where an employee is dismissed, they can be dismissed with pay in lieu of notice, or the employee can request or be asked to serve their notice. It is anticipated that in the majority of cases, particularly where there is long-term absence, that pay in lieu of notice will be requested and given.

